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Vaisakha 2, 1886(Saka)

LOK SABHA DEBATES

Seventh Session
(Third Lok Sabha)

सत्यमेव जयते

LOK SABHA SECRETARIAT

New Delhi

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LOK SABHA

Wednesday, April 22, 1964/Vaisakha 2, 1886 (Saka)

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

University for Hill Areas

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*1130. **Shri Subodh Hansda:**
Shri Bishanchander Seth:
Shri B. P. Yadava:
Shri Dhaon:
Shri S. C. Samanta:
Shri M. L. Dwivedi:
Shri Sidheshwar Prasad:
Shri P. C. Borooah:
Shri P. R. Chakraverti:
Shri Vishwa Nath Pandey:
Shri Rishang Keishing:

Will the Minister of **Education** be pleased to state:

(a) whether it is a fact that Government have appointed a Committee to study the developments of higher education and also for setting up a new University for the State of Nagaland, NEFA, Manipur and other hill areas of Assam;

(b) if so, whether any report has been submitted by this Committee;

(c) the main recommendations thereof and the number of those accepted; and

(d) when the University is likely to be set up?

The Minister of Education (Shri M. C. Chagla): (a) Yes, Sir. The Ministry of Education and the University Grants Commission have jointly set up a Committee for the purpose.

(b) No, Sir.

(c) and (d). Do not arise.

Shri Subodh Hansda: May I know whether any study has been made with regard to the number of students reading in the colleges and whether this number of students will justify the setting up of a university for that area?

Shri M. C. Chagla: The whole question is being considered. I cannot answer this question till the Committee has reported. Certainly the number of students will be taken into consideration in deciding whether it is suitable to set up a university there or not.

Shri Subodh Hansda: Since Nagaland and the NEFA administration are controlled by the Ministry of External Affairs, I would like to know whether the Ministry of External Affairs has been consulted or whether it is making any contribution for setting up this university?

Shri M. C. Chagla: I could not follow the hon. Member.

Mr. Speaker: The question is whether the External Affairs Ministry has been consulted or has contributed towards the decision that is being arrived at.

Shri M. C. Chagla: No decision has been taken. The question of consulting the External Affairs Ministry does not arise. After the report has been made by the Committee, we might have to consult the External Affairs Ministry.

श्री सिद्धेश्वर प्रसाद : यूनिवर्सिटी ग्रांट्स कमीशन और शिक्षा मंत्रालय ने जो समिति गठित की है, वह किस की मांग के आधार पर गठित की है और वह किन किन बातों पर विचार करेगी ?

Shri M. C. Chagla: A Committee has been appointed to consider the question of setting up universities in these places.

Mr. Speaker: Who has demanded it?

Shri M. C. Chagla: There has been some demand from the people of these States; the terms of reference are: to study the development of of higher education including the question of setting up of a university in the State of Nagaland, NEFA, Manipur and other hill areas of Assam.

Shri Shinkre: Is the Minister aware that there are demands for new universities also on political grounds and, if so, are the Government considering that such demands should not be encouraged? There is a demand from Goa also.

Mr. Speaker: That does not arise here.

Shri M. C. Chagla: We will only set up universities if the progress of education demands it. We would not submit to any political pressure.

Shri Hem Barua: Since universities cease to be universal in the matter of inspiration and aspiration, when they are nomenclatured like this—university for hill areas, Mangloid, Tibetan, Burmese, Aryan, Dravidian University Australasian University and so on—may I know whether the Government have any steps under consideration to ensure the integration in that strategic area, namely, the eastern frontier?

Shri M. C. Chagla: I agree with the hon. Member that the main idea of a university is its universality, and there should be mobility of students. We are doing our best to see that university students are not restricted to the students of a particular region, and that there is more mobility of students and that the universities take up an all-India complexion.

श्री विश्वनाथ पाण्डेय : सरकार की ओर से जो यूनिवर्सिटी बनाने का विचार हो रहा है, क्या उस की व्यवस्था केन्द्रीय सरकार के द्वारा होगी या प्रांतीय सरकारों के द्वारा ?

Shri M. C. Chagla: Under the law, as my hon. friend knows, education is a State subject and the universities have to be set up by the States. It is only when the university becomes a Central university that it becomes the responsibility of the Union Ministry.

Shri Kapur Singh: I want to know whether the Government have made sure that the pre-requisite—the cultural and educational base—for setting up of a university already exists in this area?

Shri M. C. Chagla: I am sure the Committee will take this factor also into consideration.

Shri Basumatari: May I know whether any representation has been received by the Government about the recent apprehensions of disunity in these areas—Assam, NEFA and Nagaland?

Shri M. C. Chagla: We have received no representation.

Shri N. R. Laskar: May I know whether the hon. Minister is in a position to say whether this Committee has visited any places or any sites up till now?

Shri M. C. Chagla: Yes, Sir; they have visited Shillong, Aijal, Haflong, Tura, Kohima, Imphal, Jorhat and some other places.

Shri Man Singh P. Patel: In view of the progressive introduction of regional languages at the level of university education, how is the mobility of students from one university to another university likely to be encouraged?

Shri M. C. Chagla: That is why I have been emphasising a link language in India, either English or Hindi. If you make, at some stage, Hindi compulsory in all the universities, that will furnish the basis for the mobility of students.

Drilling at Aliabet Island

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*1131. **Shri Subodh Hansda:**
Shri S. C. Samanta:
Shri Sudhansu Das:
Shri Maheswar Naik:

Will the Minister of **Petroleum and Chemicals** be pleased to state:

(a) whether the off-shore drilling has started in the Island of Aliabet in the gulf of Cambay;

(b) whether this is being done by the Oil and Natural Gas Commission; and

(c) whether there is any collaboration with technicians of West Asian countries?

The Minister of Petroleum and Chemicals (Shri Humayun Kabir): (a) No, Sir. The proposed well is to be drilled on land.

(b) and (c). Do not arise.

Shri Subodh Hansda: Since it was found from a preliminary survey that there are prospects of oil being found in the Aliabet Island, may I know why it has not been decided by the Government to drill in that area?

Shri Humayun Kabir: I am afraid the hon. Member did not listen to what I said. I have said that there will be a well drilled on land.

Off-Shore Drilling

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*1132. **Shri N. R. Laskar:**
Shri P. R. Chakraverti:
Shri Vishwa Nath Pandey:
Shri Bishwanath Roy:
Shri Onkar Lal Berwa:
Shri Ram Harkh Yadav:
Shri Murli Manohar:

Will the Minister of **Petroleum and Chemicals** be pleased to state:

(a) whether Government have decided to start off-shore drilling at Port Canning near Calcutta; and

(b) if so, the phased programme therefor?

The Minister of Petroleum and Chemicals (Shri Humayun Kabir): (a) No, Sir.

(b) Does not arise.

Shri N. R. Laskar: The then Minister in-charge of Oil told us in April, 1963 that they will start from the point where the Stanvac personnel left, and so, may I know whether any progress has been made up till now there?

Shri Humayun Kabir: The position is that the re-study of the material which had been collected by the Stanvac project indicated to the ONGC that there are some potentialities in Port Canning area, and therefore, it has been decided to make preparatory arrangements to drill a well in a place which is about six miles north-west of Port Canning.

Shri N. R. Laskar: When do they propose to dig the well? May I know the target date?

Shri Humayun Kabir: It is difficult to give the target date. The arrangements we have made is to place a rig in position perhaps before the monsoon. During the monsoon it will not be possible to drill a well in this area. So, the well is likely to be drilled after the monsoons are over.

श्री ओंकार लाल बेरवा: मैं यह जानना चाहता हूं कि क्या इस काम के लिए विदेश से कोई सहायता ली गई है ; अगर हां, तो कितनी ?

श्री हुमायून कबिर : ओ० एन० जी० सी० को ड्रिलिंग का काफी तजुर्बा हो गया है । जहां दरकार होता है, वहां हम बाहर से सहायता लेते हैं । यहां पर कुछ काम करने के बाद मालूम होगा कि किसी सहायता की दरकार है या नहीं ।

Shri P. Venkatasubbaiah: May I know, apart from the off-shore drilling in this particular place, whether any attempt is being made by the

ONGC to start drilling operations along the Coramandel coast in the Madras State?

Shri Humayun Kabir: This question is about Port Canning, and I have said that there will be no off-shore drilling; there will be on-shore drilling.

श्री यशपाल सिंह : क्या सरकार बता सकती है कि कितने दिनों के एक्सप्लोरेशन के बाद यह डिक्लेयर किया जाता है कि यहां पर पेट्रोल मिलने का कोई इमकान नहीं है ?

Shri Humayun Kabir: It all depends upon the geological structure. Sometimes we can say that there is no oil there even without any drilling, but a positive statement whether there is oil or not is much more difficult, and it depends on the circumstances.

Shri Hem Barua: May I draw the attention of the hon. Minister to the fact that Stanvac, in co-operation with the Government, conducted a search for oil in this area and ultimately came to the conclusion that there is no possibility of finding any oil in this area and, if so, how is it that Stanvac, as the hon. Minister has just now stated, has recommended that there is a possibility of finding oil here now.

Shri Humayun Kabir: My hon. friend has only half-listened to what I said. I told the House that on a re-study of the material given by Stanvac, the ONGC came to the conclusion that there is possibility of oil.

Shri Hem Barua: I think I have been misunderstood. Stanvac said positively after search in this area, during Shri Malaviya's regime, that there is no possibility of oil in this area. How can Stanvac supply materials, to the new Minister, on which he could conduct new search? That is what I am interested in.

Shri Humayun Kabir: Again I am afraid I have to explain it. We studied all the material which was there. If my hon. friend thinks that whatever Stanvac has said is gospel truth, he is welcome to hold that view. But the data given by Stanvac has been interpreted in a different way by other experts.

Conduct of All India Service Personnel

*1135. **Shri Harish Chandra Mathur:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether any cases of misbehaviour with people and their representatives by All India Service personnel have come to the notice of Government during the last one year;

(b) if so, the action, if any, taken against such officers; and

(c) whether any instructions on the subject have been issued?

The Deputy Minister in the Ministry of Home Affairs (Shri L. N. Mishra): (a) to (c). Complete information is being collected and will be laid on the Table of the House.

Shri Harish Chandra Mathur: Quite a number of cases of misbehaviour by senior officers have been reported and hundreds of cases go unreported and uncomplained. May I know what is the personal information of the Minister in this respect and what positive steps have so far been taken by the Ministry to bring about a re-orientation in the attitude of the officials to the democratic forces and to the citizens' representatives?

Shri L. N. Mishra: We have written to all the State Governments this month and we have received information from some State Governments like Punjab, Orissa, Madhya Pradesh and Rajasthan. Information from other States has not yet been reveived.

So far as the steps taken by the Government are concerned, a special circular was issued to all the State Governments to give due courtesy and respect to the public workers, especially Members of Parliament

and Legislative Assemblies. As regards the other matter, the hon. Member knows that we have set up a special division for administrative reforms. Surely that division would look into this matter.

Shri Harish Chandra Mathur: The hon. Deputy Minister is absolutely new to his task. He does not know the background. This matter had been discussed in the informal consultative committee and I had addressed a letter to Mr. Nanda on this subject. I think he should answer in that context. He is telling us that he is writing to the State Governments. It is a question on which much more thinking has been done. Do I take it that all these 17 years, Government have taken absolutely no steps to reorient the outlook and attitude of the officials to the citizens' representatives and it is only now that they are making enquiries from the State Governments?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): It is not that nothing has been done. After the letter was addressed by Mr. Mathur, we enquired from various States as to how many instances had occurred in different States and what actions were taken. We have received replies from 5 or 6 States that in 17 cases of dealings with the public—not merely with Members of Parliament, but dealings with the public—there were some complaints. Out of these, in 5 cases, the officers were reprimanded and 7 cases are under enquiry. We have written again to the State concerned stressing the need for public servants in the democratic set-up to be polite and courteous. We are also thinking of taking up this question in the training of our young IAS officers. There also this training may be imparted.

Shri S. N. Chaturvedi: May I know if no complaints have been directly received by the Central Government and if some complaints have been received, what action has been taken?

Shri Hathi: In the Central Government, no complaint has been received directly, but we have received some complaints in the different States.

Shrimati Savitri Nigam: May I know whether there is any code of conduct prescribed by the Government for all-India service personnel and if courtesy is also one of the items in it?

Shri Hathi: The code of conduct is there. It is also there but they should be courteous. But the question is, in spite of the code being there, there have been some lapses. We want to bring it home to them during this initial stage of training itself.

Shri Kapur Singh: I ask whether the Government have taken note of a recent statement by the ex-Minister, Shri Kadilal Nanjappa in the Mysore Legislative Assembly to the effect that (1) honest administrators are not wanted, (2) politicians freely interfere in civil, criminal and revenue cases, and (3) dishonesty amongst the officials is a qualification for success? If so, may I know what is their reaction?

Shri Hathi: I have not come across those reports.

Shri Kapur Singh: Has he not followed my question?

Mr. Speaker: He said that he has not seen that statement.

Shri S. M. Banerjee: It is quite clear from the replies of the hon. Minister that the State Governments have taken some action. I would like to know, apart from cases of misbehaviour with Members of Parliament and State legislatures, whether cases have been brought to the notice of either this Ministry or the State Governments about their misbehaviour towards the rural population who go to seek their help and their guidance?

Shri Hathi: As I said, it is not only a question of courtesy towards either the Members of Parliament or the Members of State legislatures; it is a question of showing courtesy to the people generally, which means that whether a man comes from rural areas or from a city the same courtesy should be shown.

Shri Ranga: Have Government received any complaints from the IAS personnel in the States as well as at the Centre about the various ways in which they are being threatened or harassed or even punished, not in the usual disciplinary fashion but by being transferred and so on, because they have not carried out the dictates of political leaders in the ruling party?

Shri Hathi: No, Sir.

Shri A. P. Jain: The hon. Minister said that he has not received the reports. But facts about this kind of discourtesy are well known. Does he want to rely purely on the reports or also on the common knowledge which he possesses and about which the whole world knows?

Shri Hathi: I did not say we have not received reports. We have received reports from certain States. But I also stated that, whether these reports are received or not received, we are not to rely merely on the reports and we are taking up the case independently. We are also trying to take up the question of training at the very initial stages also to see that courtesy to the people is shown by these officers.

Dr. Sarojini Mahishi: May I know whether the penalty imposed on some of the All India Service personnel for misbehaviour is adequate enough to act as a deterrent and whether since then the number of such cases has been reduced in that area?

Shri Hathi: That depends upon the nature and the magnitude of the cases.

Shri Ramanathan Chettiar: May I know whether there is any truth in the reports that the industrial management pool officers will be merged with the Indian Administrative Service?

Shri Hathi: There is a separate question coming up today on this.

Shri Man Singh P. Patel: May I know whether for want of all-India discipline rules, even for a small action of misbehaviour each State Government has to refer the case to the Central Government?

Shri Hathi: No.

Shri Hem Barua: May I know if Government are aware of the fact that some representatives of the people, because they are representatives of the people, go about throwing their weight and interfering even in the day-to-day work of the officers; if so, whether Government propose to prescribe a code of conduct for the people's representatives also not to interfere with the work of these officers....

Mr. Speaker: Or to reduce their weight!

Shri Hem Barua: Sir, there is no reply.

Shri Hathi: Am I to give a reply?

Mr. Speaker: He wants to know whether politicians go about throwing their weight.

Shri Hathi: As I said in the very beginning, the question is not one of showing courtesy or respect merely to Members of Parliament or to the members of the State legislatures or to politicians. We are really concerned with the public at large, and whoever goes to a civil servant must receive the courtesy and respect which should be shown to a citizen of an independent country. The question whether the Members of Parliament or other politicians are bringing pressure on the government officials and, if so, what action should be taken, is under consideration.

Shri Harish Chandra Mathur: May I know for how long this question has been engaging the attention of the government, when it arose in the mind of Government and since then what they have done?

Shri Hathi: The question of the civil or public servants being courteous etc. has been attracting the attention of the government right from the beginning and, from time to time, we have been writing to the State Governments and taking necessary action.

Mr. Speaker: Next question.

Shri Kapur Singh: Sir, your most important query regarding reducing the weight of the politicians has not been answered.

Shri Harish Chandra Mathur: I may assure my hon. friend that another question on this subject is coming up very shortly.

राजस्थान में पाकिस्तानियों का अवैध प्रवेश

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*११३६. { **श्री प० ला० बारूपाल :**
श्री हुक्म चन्द कछवाय :
श्री तन सिंह :

क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि बहुत से पाकिस्तानी राष्ट्रजन बिना पारपत्र (पासपोर्ट) के राजस्थान में अवैध रूप से घुस आये हैं ; और

(ख) क्या यह भी सच है कि एक पाकिस्तानी नागरिक अजमेर (राजस्थान) नगरपालिका में चुन लिया गया है तथा यदि हां, तो ऐसा किस प्रकार हुआ है ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री हाथी) : (क) १९६१ से १९६३ तक ७८९ ऐसे अवैध रूप से घुस आने वाले पाकिस्तानियों का पता लगा है ।

(ख) अजमेर के एक श्री गुलाम हुसेन कुरेशी जो पाकिस्तान से अस्थायी प्रवेश-पत्र पर १९४८ में भारत आये थे, मतदाता सूची में उनके नाम होने के आधार पर अजमेर नगरसभा के सदस्य चुने गये हैं । उनके चुनाव के विरूद्ध एक चुनाव-याचिका , इस आधार पर कि वे भारत के नागरिक नहीं हैं, दायर की गई है । यह मामला जिला न्यायाधीश , अजमेर के न्यायालय में विचाराधीन है ।

[(a) During the years from 1961 to 1963, 789 such Pakistani infiltrants were detected.

(b) One Shri Gulam Hussain Qureshi of Ajmer, who came to India from Pakistan in 1948 on a temporary permit, has been elected to the Ajmer Municipality on the basis of his name appearing in the Electoral Roll. An election petition has been preferred against his election on the ground that he is not a citizen of India. The matter is *sub judice* in the court of District Judge, Ajmer.]

श्री प० ला० बारूपाल : जो मतदाता सूची में नाम लिखा गया यह पाकिस्तान से आने के बाद लिखाया गया था या पहले से ही मौजूद था ?

श्री हाथी : जिस आदमी का नाम लिखा गया है उसका जन्म ही अजमेर में हुआ था और वह अजमेर में रेलवे लोकों वर्कशाप में पहले से काम करता है। सन् १९४८ में वह पाकिस्तान गया, तीन चार महीने के बाद टेम्पोरेरी परमिट पर आया और उसका नाम चालू है ।

श्री प० ला० बारूपाल : क्या सरकार को मालूम है कि बहुत से और भी पाकिस्तानी अवैध रूप से राजस्थान में आए हैं ? यदि हां, तो उनको निकालने के लिए क्या ठोस कदम उठाया गया है ?

श्री हाथी : जैसे कि मैं ने पहले बतलाया, ८०० के लगभग ऐसे लोग आए हैं और उनके बारे में कारवाई हो रही है । राजस्थान के

चीफ मिनिस्टर तीन दिन पहले बारडर के दौरे पर गए थे कुछ लोगों को वहां पकड़ा है और वापस भी भेज दिया है।

श्री तुलशी दास जाधव : जब वे आए तभी क्यों नहीं निकाले गए, अभी तक क्यों बने रहे ?

श्री हाथी : जो बारडर एरिया है वहां गांव तो है नहीं, अलग अलग झोंपड़ियां हैं। तो वहां एक गांव से दूसरे गांव में आने में कोई दिक्कत नहीं है। जब पुलिस चैक करती है और उनको पकड़ती है तो निकाल देती है।

Shri S. N. Chaturvedi: May I know whether the Government can assure the House that it is sufficiently alert and vigilant to prevent any situation like the one prevailing on our eastern border developing in Rajasthan, where infiltrants have come in thousands and lakhs have even found employment in our service?

Shri Hathi: The Rajasthan Government is taking keen interest in this matter. As I said three days back the Chief Minister himself had toured round the border areas and tightened up the measures so that infiltration may not be as easy as it is now.

Shri Bhagwat Jha Azad: With reference to part (a) of the question, which has been corroborated by the statement of the Chief Minister of Rajasthan, do Government propose to have special tribunals as they have in the eastern region to deal with the problem effectively and expeditiously?

Shri Hathi: There are procedures; but in most of these cases the people themselves have admitted that they are Pakistani nationals and have crossed over the border without any documents or so. 254 of them have been deported.

श्री तन सिंह : ये जो सात सौ या आठ सौ आदमी आए हैं इन के केसेज काफी समय से विचाराधीन हैं। क्या इस देरी का कारण यह है कि इस समस्या को सुलझाने के लिए पर्याप्त एजेंसी नहीं है ?

श्री हाथी : मुझे इस का पता नहीं है।

Shri Harish Chandra Mathur: Can the hon. Minister say with any sense of responsibility that the Rajasthan border with Pakistan is an absolutely open place and not only 700 but thousands and thousands of people come into Rajasthan without any notice being taken of it? They get settled here. There is absolutely no agency. You cannot know even if people come right within 50 or 70 miles in Rajasthan.

Shri Hathi: So far as I know, this condition did exist but of late, during the last 4 or 5 months or so, the Rajasthan border has been tightened up. Patrolling continues. The check-posts are there and the Rajasthan Government is active.

Shri Harish Chandra Mathur: He ought to know a little better.

Shri Sinhasan Singh: Referring to part (b) of the question, when he came on a temporary permit in 1948, how did he continue to remain here till 1964 and get elected? Was Government ignorant of the temporary permit so that he continued to stay and got elected?

Shri Hathi: As I said, he was here in Ajmer and had been there till 1948. At the time when he went there, there was no question of a permit, but by the time he returned this temporary permit system was introduced. He came here and he has been here till now.

Shri A. P. Jain: With regard to part (b) of the question how long has this election petition against this gentleman been pending and at what stage is it?

Shri Hathi: I think, the election petition had been filed somewhere in 1963 but I do not know the exact date.

Shri A. P. Jain: At what stage is it pending?

श्री काशीराम गुप्त : क्या सरकार को इस बात की जानकारी है कि पाकिस्तान की सीमा के भीतर रहने वाले मुसलमान कई बार राजस्थान के बारडर पर रहने वाले मुसलमानों के यहां विवाह शादी में आते रहते हैं और कई दिन तक ठहरते हैं, और यहां तक कि कोई कोई शादी कर के वापस भी चले जाते हैं ?

श्री हाथी : कुछ ऐसे केसेज भी हुए हैं।

Shri Hem Barua: May I know whether Government are aware of the fact that there are villages on the Rajasthan border, specially a village called Baori which falls both within the territory of India and Pakistan and it is reported that to the people living in this village India and Pakistan are only abstract conceptions and this village provides as a corridor for the movement of Pakistanis to Rajasthan . . .

Mr. Speaker: Shall we come to the question at all or not? That long preface is not required. A direct question should be asked as a supplementary. If every hon. Member were to put it like that then we will cover only one question during the Question Hour.

Shri Hem Barua: I will ask the question. In the context of it may I know whether Government are aware of the fact that the Rajasthan armed constabulary has pleaded its inability to check the intrusion of Pakistani citizens into this country via this village; and if so, whether Government proposes to demarcate the boundary and put up a fence to see that it does not happen?

Shri Hathi: This piece of information perhaps appeared two or three days back just when the Chief Minister of Rajasthan was touring that area. This difficulty is known to them and the matter is being taken up.

श्री ओंकार लाल बेरवा : मंत्री महोदय ने अभी बताया कि ७८६ पाकिस्तानी अवैध रूप से आए, जब कि चीफ मिनिस्टर साहब के कल के स्टेटमेंट के अनुसार २,००० पाकिस्तानी अवैध रूप से आए हैं। मैं यह जानना चाहता हूं कि क्या इन चार महीनों में १२११ पाकिस्तानी ज्यादा आ गए और सरकार के ये आंकड़े कब तक के हैं ?

Shri Hathi: They were detected and arrested. Their number is 789.

Mr. Speaker: When was that? He says, these are old figures. According to him, there is a much larger number.

Shri Hathi: As I said, the villages are so near each other—as the hon. Member, Mr. Hem Barua, said about one village that some portion is in Pakistan and some portion is here—that people come and go. But these people were actually detected and arrested.

श्री शिव नारायण : होम मिनिस्टर साहब साफ साफ बतायें कि जो पाकिस्तानी मनमाने ढंग से आते और जाते हैं, उन के सम्बन्ध में उन की पालिसी क्या है और पुलिस इस बारे में क्या करती है ।

श्री हाथी : पालिसी यह है कि जो पाकिस्तानी यहां पर विदाउट रेगुलर डाकुमेंट्स आयेंगे, उन को यहां से निकाल दिया जायेगा।

Report of Kunzru Committee on Physical Education

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*1137. { **Shri Ramachandra Ulaka:** **Shri Dhuleshwar Meena:**

Will the Minister of **Education** be pleased to refer to the reply given to Starred Question No. 56 on the 12th February, 1964 and state:

(a) whether the report of the Kunzru Committee on Physical Education has since been examined by Government; and

(b) if so, the decision taken thereon?

The Deputy Minister in the Ministry of Education (Shri Bhakt Darshan): (a) The report of the Committee is still being examined by Government.

(b) Does not arise.

Shri Dhuleshwar Meena: May I know, when thi s report was submitted on 12th December, 1963, what difficulties are arising before the Government even to consider this?

Shri Bhakt Darshan: Sir, the main difficulty was that the Ministry of Defence could not express their final opinion about it. It was only on the 25th March that a meeting was held between the Education Minister and the Defence Minister and now an agreement has been arrived at and the details are being worked out.

Shri Dhuleshwar Meena: May I know whether the amount which will be spent on this particular scheme will be given by the Central Government or by the State Government?

Shri Bhakt Darshan: Sir all the expenditure will be borne by the Central Government.

श्री सिद्धेश्वर प्रसाद : श्रीमन्, मैं यह जानना चाहता हूं कि इस समिति ने जो सिफारिशें की हैं, उन में से सरकार ने अब तक किन सिफारिशों को स्वीकार कर लिया है ?

श्री भक्त दर्शन : कुंजरू समिति की सब से मुख्य सिफारिश यह थी कि इस समय तक शारीरिक व्यायाम, राष्ट्रीय अनुशासन योजना और ए० सी० सी०, ये जो तीन प्रकार की योजनायें चल रही हैं, इन तीनों योजनाओं में से अच्छी अच्छी बातें ले कर एक इन्टेग्रेटिड योजना—एक समन्वित योजना—तैयार की जाये । वह योजना तैयार की जा चुकी है और उस को अन्तिम स्वरुप दिया जा रहा है । निर्णय होने केबाद उस को शीघ्र लागू किया जायेगा ।

Shri Bhagwat Jha Azad: While considering this report of the Kunzru Committee, may I know whether the Government have simultaneously asked for the comments or the opinion of the schools or the institutions like the All-India Teachers Federation as to how far this scheme can be implemented?

Shri Bhakt Darshan: As far as I understand, Sir, before taking the final decision, the Kunzru Committee did consult all such organisations.

श्री यशपाल सिंह : क्या सरकार को इस बात पर कुछ एतराज है कि कुंजरू कमेटी की रिपोर्ट और अपनी इन्टेग्रेटिड स्कीम की कापियों को वह सदन के पटल पर रखे, ताकि माननीय सदस्यों को उन की जानकारी हो सके ।

श्री भक्त दर्शन : कुंजरू कमेटी की रिपोर्ट पहले ही सदन के पुस्तकालय में रखी जा चुकी है ।

श्री यशपाल सिंह : और सरकार की इन्टेग्रेटिड स्कीम की कापी ?

श्री भक्त दर्शन : वह बन रही है ।

Shrimati Savitri Nigam: May I know what are the points of agreements and whether the Education Ministry and the Defence Ministry are going to take up this integrated scheme in a joint way or it will be taken up by the Education Ministry?

Shri Bhakt Darshan: When it is finally decided upon, it will be worked by the Education Ministry alone.

Shrimati Savitri Nigam: What are the points of agreement?

Shri Bhakt Darshan: The point of agreement is that the best features of all the three schemes should be integrated into one scheme.

श्री शिव नारायण : मैं यह जानना चाहता हूं कि फ़िजीकल एजूकेशन में केवल ड्रिल कराई जाती है या बन्दूक और लाठी की ट्रेनिंग भी दी जाती है ।

श्री भक्त दर्शन : जब ए० सी० सी० की योजना इस में मिला दी जायेगी, तो बन्दूक चलाना और फौजी कवायद भी इस में दी जायेगी।

Selection Grade for Assistants

*1141. **Dr. L. M. Singhvi:** Will the Minister of **Home Affairs** be pleased to refer to the reply given to Starred Question No. 620 on the 27th March, 1963 and state:

(a) whether the question of introduction of Selection Grade for Assistants has since been reconsidered; and

(b) if so, the result thereof?

The Deputy Minister in the Ministry of Home Affairs (Shri L. N. Mishra): (a) and (b). The matter is still under consideration.

Dr. L. M. Singhvi: I would like to know for how long this has been under consideration, why it has taken so long and by when the consideration is likely to be completed.

Shri L. N. Mishra: The matter came in two or three stages and some decisions were taken in respect of some Stenographers. About Assistants, we will take some more time.

Dr. L. M. Singhvi: May I know whether it is a fact that senior Assistants who have been working for several years, as long as ten years, have no incentive as at present and, if so, is there any scheme or proposal to introduce a system of incentive for senior Assistants working now?

Shri L. N. Mishra: It is a fact that the prospect of promotion is very meagre in their case. Their case is under consideration.

Shri S. M. Banerjee: May I know whether this was one of the recommendations of the Pay Commission? May I also know whether another recommendation was about the introduction of a special grade for lower division clerks, and if so, why these recommendations of the Pay Commission have not been implemented, and whether any discussions have been held with the association concerned, and if so, with what result?

Shri L. N. Mishra: Discussions have been held and the matter has been in correspondence with the Ministry of Finance also. As for the specific recommendation of the Pay Commission, I would like to have notice of the question.

Shri Bhagwat Jha Azad: During the pendency of such consideration, may I know whether Government have prescribed any procedure to ensure that the employees who are likely to be affected are not adversely affected?

Shri L. N. Mishra: There is no question of anyone being adversely affected. It is a question of promotion only.

श्री सिद्धेश्वर प्रसाद : अभी मंत्री जी ने बताया है कि सरकार कुछ निर्णयों पर पहुंची है। मैं यह जानना चाहता हूं कि सरकार किन निर्णयों पर पहुंची है और कौन सी बातें विचाराधीन हैं।

श्री ल० ना० मिश्र : जैसा कि अभी कहा गया है, स्टेनोग्राफ़र्ज का कम्बाइन्ड ग्रेड कर दिया गया है, जिस से उन को काफ़ी फ़ायदा पहुंचा है। जहां तक एसिस्टेंट्स का सवाल है, यह प्रश्न विचाराधीन है।

Middle School Examinations in Delhi

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*1142. **Shri Yashpal Singh:**
Shri Ram Sewak Yadav:
Shri R. G. Dubey:

Will the Minister of **Education** be pleased to state:

(a) whether it is a fact that the middle school examinations in Delhi are being held by a Board of the Directorate of Education;

(b) whether it is a fact that only two months notice was given to the teachers as well as the taught to prepare themselves for the Board examination;

(c) whether it is a fact that the teachers were unable to do full justice to the prescribed course within this short span of time; and

(d) whether a greater number of failures are expected because the courses have been rushed through.

The Minister of Education (Shri M. C. Chagla): (a) and (b). No, Sir.

The usual annual examination is being conducted this year in 3 subjects only by an *ad hoc* Committee. The intimation that the examinations will be so conducted was given in December, 1963. No notice as such, was required or given.

(c) No, Sir. No new course was prescribed for these examinations.

(d) No, Sir. The courses were taught throughout the academic session.

श्री यशपाल सिंह : क्या सरकार को यह पता है कि अगर सैशन के शुरू में कह दिया जाता, तो विद्यार्थियों को इतनी दिक्कत न होती, क्योंकि विद्यार्थियों के लिए कोर्स पहाड़ जैसा मुश्किल हो गया था ?

श्री मु० क० चागला : स्टुडेंट्स को कोई दिक्कत नहीं हुई थी। जो कोर्स पहले चलता था, वही कोर्स रखा गया था। इम्तहान भी वही था।

श्री यशपाल सिंह : अध्यापक कोर्स को पूरा पढ़ा नहीं सके हैं, क्योंकि शार्ट नोटिस के मुताबिक इम्तहानों को बोर्ड के अधीन कर दिया गया है।

अध्यक्ष महोदय : मिनिस्टर साहब कहते हैं कि कोर्स वही है, बदला नहीं है।

श्री यशपाल सिंह : इम्तहान लेने वाली बाडी बदल गई है। पहले बोर्ड इम्तहान नहीं लेता था। सरकार ने इस बारे में एक महीने पहले जो डिसिजन लिया, इसका यह नुक्सान हुआ कि उन विद्यार्थियों के इम्तहान का तरीका बदल गया। पहले जो एग्जामिनर थे, जो परचे सैट करते थे, वे बदल गये।

अध्यक्ष महोदय : इम्तहान देने वाले चाहे बदल गए हों, लेकिन जब इम्तहान देने वालों के लिए वही कोर्स था, तो फिर चाहे बोर्ड हो या कोई दूसरी बाडी हो, विद्यार्थियों को तैयारी तो करनी थी।

श्री यशपाल सिंह : क्वैस्टियन सेट करने वाले बदल गये। जो बीस साल से परीक्षा ले रहे थे, वे बदल गये।

श्री शिव नारायण : क्या यह सही है कि मिडिल कोर्स कर देने से अब गवर्नमैंट उन लड़कों को अलग से सर्टिफिकेट देगी, जो कि मिडल पास करेंगे ?

श्री मु० क० चागला : वह सवाल नहीं उठता है। सिर्फ़ एक ही चेंज हुआ है कि इम्तहान स्कूलों के बजाये बोर्ड लेगा। और कोई फर्क नहीं पड़ा है।

श्री ओंकार लाल बेरवा : पुरानी व्यवस्था में क्या गलती पाई गई कि वह एग्जामिनेशन बोर्ड के तहत कर दिया गया ?

श्री मु० क० चागला : को-आर्डिनेशन और हायर स्टैंडर्ड करने के लिए ऐसा किया गया।

शिक्षा नीति के निर्धारण में अध्यापकों का योग

*११४४. **श्री सिद्धेश्वर प्रसाद** : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि राष्ट्रीय श्रव्य-दृश्य शिक्षण संस्थान की १० अप्रैल, १९६४ की नई दिल्ली में हुई बैठक में उन्होंने

घोषणा की थी कि अध्यापकों को सरकारी शिक्षा नीति निर्धारण करने में हाथ बटाने का पूरा अवसर दिया जाना चाहिये ;

(ख) यदि हां, तो किस रूप में ; और

(ग) यदि सरकार ने इस सम्बन्ध में कोई निर्णय किया है तो उसका विवरण क्या है ?

शिक्षा मंत्री (श्री मु० क० चागला) : (क) जी हां। इसका अभिप्राय, शिक्षा की नीतियों और कार्यक्रमों के बारे में अध्यापकों के विचार मालूम करना और यथापूर्वक उन पर विचार करना है।

(ख) और (ग). मामले पर विचार किया जा रहा है ।

[(a) Yes Sir. The intention is to ascertain and duly consider the views of teachers regarding educational policies and programmes.

(b) and (c). The matter is under consideration.]

श्री सिद्धेश्वर प्रसाद : मैं यह जानना चाहता हूं कि माननीय शिक्षा मंत्री ने शिक्षा नीति के निर्धारण में शिक्षकों के योगदान की जो बात कही थी, उस का कारण क्या था—वह कौन सी बात थी, जिस की वजह से उन्होंने इस तरफ ध्यान आकृष्ट किया था ।

Shri M. C. Chagla: I felt that in setting down educational policy it was essential to see that the teachers participated both in the making of the policy and its implementation. It is wrong to keep teachers outside this. So far, we have not taken as much advice from them as we should.

श्री सिद्धेश्वर प्रसाद : क्या सरकार के ध्यान में यह बात लाई गई है कि अभी तक विधान परिषदों में टीचर्ज को जो रिप्रिजेंटेशन मिला हुआ है उस को खत्म करने की बात चल रही है, यदि हां, तो शिक्षा नीति के निर्धारण में शिक्षकों का जो योगदान रहा है वह क्या समाप्त नहीं हो जायेगा ? यदि हां तो इसको दूर करने के लिए सरकार क्या कर रही है ?

Shri M. C. Chagla: The only way to gather the views of the teachers is not through the constituencies or through the election to the legislative councils. There are various ways of finding out what teachers want or what they feel about education or what their ideas of projects are.

Dr. L. M. Singhvi: May I know in what specific way and through what institutional devices it is proposed to extend the opportunity for teachers to participate in the formulation of educational policies?

Shri M. C. Chagla: As the hon. Members know, there are many teachers' organisations in India, there are universities, there are colleges, there are schools, and we can get from them their views, their representations; there should be no difficulty about it.

श्री योगेन्द्र झा : आज सरकार के द्वारा ही शिक्षा नीति तय होती है और दिन-ब-दिन राजनीतिक सत्ता का असर जीवन के हर क्षेत्र पर बढ़ता जा रहा है । ऐसी स्थिति में यह जरूरी है कि शिक्षक भी . . .

अध्यक्ष महोदय : आप कहना क्या चाहते हैं ?

श्री योगेन्द्र झा : शिक्षा नीति के मामले में वे अपना सक्रिय योगदान तभी कर सकते हैं जब कि उनको राजनीति में सक्रिय भाग लेने दिया जाये । क्या सरकार इस बात पर विचार कर रही है कि शिक्षकों को राजनीति में भाग लेने दिया जाय ?

Mr. Speaker: Shri Bhagwat Jha Azad.

श्री योगेन्द्र झा : उत्तर नहीं दिया गया है । वह जवाब देने को तैयार हैं ।

अध्यक्ष महोदय : वह तैयार भी हों तो भी मैंने इजाजत नहीं दी है।

That is a different thing altogether.

Shri Bhagwat Jha Azad: While referring to the say of teachers, the hon. Minister came up to the higher secondary level. Am I to understand that teachers will have a say only up to that level, or will it be also extended to the primary and elementary stages?

Shri M. C. Chagla: No, Sir. I happened to say what I did say at a gathering of secondary teachers, and necessarily my remarks were confined to that body. There is no reason why the advice and suggestion of teachers teaching in the primary and elementary schools should not be taken.

Shrimati Savitri Nigam: May I know in what way the teachers of various categories are going to be associated with the policy-making body in the Education Ministry?

Shri M. C. Chagla: I though I had explained that. We gather their views, their representations, and try to see if we can give effect to what they are thinking.

Dr. Saropini Mahishi: May I know whether there is any intention to give specific percentage of representation to teachers at all levels in the advisory bodies at the State level and also at the Central level?

Shri M. C. Chagla: Teachers are members of many bodies, but we do not have specific representation for teachers. In appointing any advisory body, we take into consideration the fact that teachers should be represented, and I think most of our advisory bodies have teachers.

Shri S. N. Chaturvedi: May I know in what respects the present devices and modes of consultation have been found deficient which led to these observations by the hon. Minister?

Shri M. C. Chagla: We had not consulted the teachers as a body. We have individual teachers on our organisations, but the idea now is that if you have organised teachers' opinion, that opinion should be taken into consideration in laying down policy and implementation of the policy.

Shri D. J. Naik: Education is a State subject. May I know whether the Government of India would advise the State Governments to ascertain the views of primary, secondary and higher educational teachers in this matter?

Shri M. C. Chagla: Yes, Sir. I am conscious of the fact that education is a State subject, and very often we have to go through the State Governments to take any action in this matter.

Industrial Management Pool

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*1145. { **Shri S. M. Banerjee:** / **Shri Daji:**

Will the Minister of **Home Affairs** be pleased to state:

(a) whether Government propose to wind up the Industrial Management Pool;

(b) if so, the reasons therefor;

(c) the measures proposed to be taken to safeguard the interests of the officers forming the pool;

(d) whether any memorandum has been received from the Association of Industrial Management Pool Officers; and

(e) if so, the action taken thereon?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) to (c). In the context of increasing industrial activities in the Public sector, the whole question of staffing managerial posts in the public sector is being re-examined.

(d) Yes, Sir.

(e) It is also being examined.

Shri S. M. Banerjee: It appears from both the question and the answer that a memorandum has been received from the association of the industrial management pool officers by

the Government. What are the specific demands of these officers and what is the Government's reaction to it?

Shri Hathi: Their demand mainly is that this pool should continue and should not be wound up. Actually it is not a question of the pool being wound up. But in view of the expansion we will require personnel to manage these sectors trained at a high level and in different categories. So, the whole question as to how this pool should be re-organised is being considered.

Shri S. M. Banerjee: This particular pool was created only to supply good officers to the public sector projects and other projects. What necessitated the Government to think of winding up this pool?

Shri Hathi: It is not a question of winding up the pool. To enumerate the main difficulties, firstly a person who is selected in the industrial management pool may be quite good for a particular factory or industry, but from there when he goes to steel or fertiliser he requires some more training in production, management and other things; secondly, in the public sector, they are autonomous bodies and they would like to have their own cadre. But all these questions will have to be considered, whether it will have to be groupwise or industrywise, etc.

Shri Harish Chandra Mathur: May I know whether the Government have ascertained the views of the public sector undertakings in this matter? What is their reaction and what were the difficulties pointed out by them, because the one Minister controlling the largest section the other day said that this pool would not be satisfactory and that they must have absolute autonomy and their own cadres.

Shri Hathi: Actually that is what I mentioned. The views of this Ministry have also been ascertained. Some of the public sector undertakings feel that they should have a trained cadre and not a pool. These are conflicting views and we have, therefore, to take into consideration the whole question afresh.

Shri Sinhasan Singh: Is the Government aware that during the LIC case—now Mr. Chagla who is sitting here as a Minister; he was the Judge at that time—he said that IAS and ICS officers should not be associated or asked to be in charge of public undertakings, that different industrial pools should be started? What has led the Government now to think otherwise and mix this up with the IAS?

Shri Hathi: The question is not of mixing up the IAS cadre and the industrial cadre. The question is in view of the various difficulties expressed by the public sector undertakings and the difficulties that have arisen in recruiting them, and the difficulties of finding out the people who can be at the head of the public sector, and also the question whether there should be a sectorwise or industrywise cadre, whether they should be recruited at a lower level and given training for different kinds of industries, etc. All that is being considered now.

Shri Ramanathan Chettiar: May I know whether it is contemplated to merge the officers in the industrial management pool with the Indian Administrative Service?

Shri Hathi: I said the whole question was under consideration.

Shri Joachim Alva: Could we take it that the entire scheme has basically been a failure? You had recruited men from the industrial houses, drawing salaries between Rs. 500 and Rs. 1,500 and mixed them up with a large number of IAS and other administrative officers who had no background of industrial experience.

Shri Hathi: It is not a question of having no background. People from

other private sectors also were recruited in this. But the question was this. If a person is suited for a particular kind of industry he may not be equally suited for the other kind of industry and for that purpose some training will have to be given.... (*Interruptions*).

Shri Sinhasan Singh: Is IAS suitable to all industries?

Shri K. C. Pant: The Minister mentioned certain difficulties which had necessitated reconsideration of this scheme. May I know whether these difficulties were not anticipated at the time when the Pool was formed and, if so, how does the question of reconsideration of the formation of a Pool arise?

Shri Hathi: At that time, because of a few public sector undertakings, this difficulty did not actually come, but later on these difficulties have arisen.

State Education Ministers' Conference

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*1147. { **Shri Dhuleshwar Meena:** / **Shri Ramachandra Ulaka:**

Will the Minister of **Education** be pleased to refer to the reply given to Starred Question No. 371 on the 4th December, 1963 and state:

(a) whether the Central as well as the State Governments have since considered the Resolutions passed at the Conference of State Education Ministers and Vice-Chancellors which met in November, 1963 in Delhi; and

(b) if so, the result thereof?

The Minister of Education (Shri M. C. Chagla): (a) and (b). The steps taken by the Central Government for implementing the recommendations of the conference have been reported in reply to Unstarred Question No. 618 answered on 26th February, 1964. A statement showing the action taken by some of the State Governments and Union Territories is laid on the Table of the House. [*Placed in Library. See* No. LT-2760/64]. Replies are still awaited from other States and Union Territories.

Shri Dhuleshwar Meena: May I know whether the Central and the State Governments have accepted as a whole the recommendations made by the Conference of Education Ministers and Vice-Chancellors and, if not, the reasons therefor?

Shri M. C. Chagla: The statement shows that recommendations have been accepted and by what States and to what extent. It is a long statement which sets out the various resolutions passed by this Conference and to what extent the effect has been given by the various States.

Shri Dhuleshwar Meena: The statement shows that some of the State Governments have taken action on these resolutions and some of them have not taken any action. May I know the reasons why some States have not taken action?

Shri M. C. Chagla: The main difficulty is finance. The State have not very often the resources to implement these decisions.

Dr. L. M. Singhvi: May I know whether, in view of the need emphasised in the statement laid on the Table of the House for securing greater uniformity in the field of higher education and university education, the Minister thinks that early steps should be taken in respect of making education a concurrent subject and, if so, to what extent, in what way and by what date?

Shri M. C. Chagla: If my hon. friend will assure me that the majority of the States would support that Constitutional amendment, I shall take it up immediately.

Shri Subodh Hansda: Resolution No. II deals with steps to accelerate the education of weaker sections particularly Scheduled Tribes girls in the country. I would like to know what steps the Government have taken, in consultation with the Ministry of Home Affairs, to accelerate the education of women and girls?

Shri M. C. Chagla: I think the hon. Member refers to the resolution about women teachers. We are very keen about it. I am sorry to say that many States have lagged behind as far as girls' education is concerned. We are reminding the States that they should do their best. It is wrong to have an imbalanced society, but again, the problem is finance.

Shri Bhagwat Jha Azad: How do the Government propose to meet the challenge recently alleged, of the autonomy of universities being greatly eroded by the State Governments, in spite of the apprehensions expressed by the Vice-Chancellors in this regard?

Shri M. C. Chagla: As far as the Education Ministry is concerned, it believes in the autonomy of the universities and can do its best to see that that autonomy is maintained.

Shri P. Venkatasubbaiah: May I know whether the suggestion of the Minister for the institution of an All-India Educational Service has been approved by the State Governments and when it is going to be put into operation?

Shri M. C. Chagla: The response has been very favourable. I am having a conference of Education Ministers next week, where we hope to settle some of the details which are necessary before the scheme can be implemented.

Shri S. N. Chaturvedi: Has the Government considered the question of the wide disparity between the pay-scales of the private-aided secondary schools and the pay-scales in the Government institutions?

Shri M. C. Chagla: The resolutions in respect of which the main question was put are contained in the statement, and I do not think these resolutions deal with the question of pay-scales.

श्री तन सिंह : मैं माननीय मंत्री महोदय का ध्यान वक्तव्य में दिये गये पहले प्रस्ताव की ओर आकृष्ट करना चाहता हूं जिस में एलीमेंटरी शिक्षा को अनिवार्य करने की बात है। अभी मंत्री महोदय ने बताया कि यह प्रस्ताव इसलिए कार्यान्वित नहीं होता कि धन का अभाव है। मैं जानना चाहता हूं कि केन्द्रीय सरकार शिक्षा को अनिवार्य बनाने के लिए राज्य सरकारों को क्या आर्थिक सहायता देती है ?

Shri M. C. Chagla: We have been giving financial aid in various respects, for instance, upgrading the salary of the teachers, putting up buildings, hostels, and in various ways. But the primary responsibility for elementary education must rest with the States. Again, the problem is one of school buildings, teachers, finances and so on. The problem is a very big one.

Explosions in Jammu and Kashmir

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*1148. **Shri Onkar Lal Berwa:**
Shri P. C. Borooah:
Shri Brij Raj Singh:
Shri Kachhavaiya:
Shri P. K. Chakraverti:
Shri B. P. Yadava:
Shri Dhaon:
Shri D. C. Sharma:

Will the Minister of **Home Affairs** be pleased to state:

(a) the number of explosions in the border areas of Jammu and Kashmir during the past two years;

(b) the extent of damage to life and property caused thereby in each region; and

(c) in how many cases the explosives smuggled from abroad were found to have been used and what was the origin of these explosives usually?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) The Jammu and Kashmir Govt. have informed us that during the period commencing from 1962 the number of explosions in different parts of Jammu and Kashmir was 72.

(b) During this period 9 persons were killed and 17 were injured. Damage was caused to Military trucks, a passenger bus, bridges and culverts, buildings and telephone poles.

(c) Investigation of some of these explosions has shown that explosive material was planted by persons who came from Pakistan. The Jammu and Kashmir Government have informed us that in some cases certain recoveries of explosive materials were made and these were found to bear markings of Pakistan origin. The number of instances in which such markings were found is not known.

श्री ओंकार लाल बेरवा : माननीय मंत्री जी ने आंकड़े बताए हैं कि नौ या दस आदमी मारे गये । मैं यह जानना चाहूंगा कि जब से पाकिस्तान ने एक हिन्दुस्तानी के सिर के लिए सौ रुपये का इनाम रखा है तब से पाकिस्तानी कितने लोगों के सिर काट कर ले गये हैं ?

श्री हाथी : मुझे जानकारी नहीं है ।

श्री ओंकार लाल बेरवा : मैं जानना चाहूंगा कि इतनी घटनायें होने के बाद भी विरोध पत्र लिखने के अलावा इन घटनाओं को रोकने के लिए क्या कार्रवाई की गई है ?

श्री हाथी : प्रोटेस्ट भेजने के अलावा जम्मू काश्मीर सरकार ने शान्ति कायम रखने के लिए जो जरूरी कार्रवाई है वह की है ।

Shri Nath Pai: The hon. Minister stated that on 72 different occasions the explosions took place and he further assumed that on all these occasions, the agents came from Pakistan. Are we to assume that our borders are so sloppy that Pakistani agents are infiltrating into this country with impunity, and having penetrated into India, the security consciousness of the Government is so great and grave that they can carry on this kind of activities without being detected?

Shri Hathi: I did not say that in all cases it was so. The Jammu and Kashmir Government have informed us that in some cases certain investigations of the explosive materials were made and these were found to be bearing marks of Pakistan origin.

Shri Nath Pai: Nonetheless my question still merits a reply, Sir. How did the agents come so far in Jammu how did they act with impunity, why were they not detected?

Mr. Speaker: That ought to have been the question—in simple terms which he has now put.

Shri Nath Pai: I may learn.

Mr. Speaker: He knows much more than that. But he does not do it?

Shri Hathi: The question as to how they came, how they were able to do all this damage is naturally a matter which is being investigated and which has been investigated in a number of cases; arrests of those people have been made.

Shri S. M. Banerjee: These explosions took place near the Kashmir Assembly and some splinters went to the Speaker's Chamber. I would like to know whether any investigation has taken place and, if so, what is the number of persons who have been arrested and whether they were Pakistani nationals?

Shri Hathi: Perhaps the hon. Member is referring to the explosion near the Assembly Hall of Jammu.

Mr. Speaker: Assembly Chambers, just near the Speaker.

Shri Hathi: Investigations are going on. I do not think any people have been arrested. In the previous month, two persons have been arrested in the Poonch area.

WRITTEN ANSWERS TO QUESTIONS

Rourkela Fertilizer Factory

*1133. { **Shri Maheswar Naik:** / **Shri P. C. Borooah:**

Will the Minister of **Petroleum and Chemicals** be pleased to state:

(a) whether it is a fact that shortage in supply of gas to Rourkela Fertilizer Factory is hampering production; and

(b) if so, the reasons therefor and the measures being adopted to remedy the situation?

The Minister of State in the Ministry of Petroleum and Chemicals (Shri Alagesan): (a) Yes, Sir.

(b) Due to the low volatile content of the coals available, the coke oven gas generated is not sufficient to supply all the fuel to the steel plant as well as to produce enough hydrogen to utilise the entire capacity of the fertilizer plant. It is proposed to appoint an Expert Committee to go into the question of coke oven gas utilisation at Rourkela.

Evacuation from Jammu Border Areas

*1134. **Shri P. C. Borooah:** Will the Minister of **Home Affairs** be pleased to state:

(a) the number of families evacuated following the firing by Pakistani Forces across the borders in Jammu in early March, 1964;

(b) the number of persons killed and injured in these firings; and

(c) whether normalcy has since been restored in these areas and if so, how far?

The Minister of Home Affairs (Shri Gulzarilal Nanda): (a) About 1,700 families comprising 9,000 persons.

(b) Two civilians were killed and one child was wounded.

(c) The situation has now become normal and the evacuated persons have returned to their homes.

Maltreatment of an M.P. in Ambala Jail

*1138. **Shri Hari Vishnu Kamath:** Will the Minister of **Home Affairs** be pleased to refer to the reply given to Starred Question No. 747 on the 25th March, 1964 regarding alleged maltreatment of an M.P. in Ambala Jail and state:

(a) whether a report has been received from the State Government of Punjab;

(b) if so, the findings and conclusions therein; and

(c) whether a copy of the report will be laid on the Table?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) Yes, Sir.

(b) and (c). On the 15th April, 1964, I have already laid on the Table of the House a statement of allegations made by Shri H. C. Kachhavaiya, M.P., about the maltreatment accorded to him in Ambala Central Jail, and the facts as revealed by the inquiry conducted by the District Magistrate Ambala, together with a copy of the Report of the said inquiry.

Juvenile Delinquency

*1139. **Shri D. C. Sharma:** Will the Minister of **Education** be pleased to state:

(a) whether there is any proposal to introduce a legislation with a view to combating juvenile delinquency in the country; and

(b) if so, the details thereof?

The Deputy Minister in the Ministry of Education (Shrimati Soundaram Ramachandran): (a) and (b). The Children Act, 1960 (No. 60 of 1960) already provides for the care, protection, maintenance, welfare, training, education and rehabilitation of neg-

lected or delinquent children and for the trial of delinquent children in the Union territories. Similar Acts have also been enacted by most of the States. There is, however, no proposal at present to introduce legislation throughout the country for combating juvenile delinquency.

U.P. Bihar Border Dispute

*1140. **Shri Shree Narayan Das:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether Shri C. M. Trivedi appointed to go into the border dispute between the States of Bihar and Uttar Pradesh has submitted his report; and

(b) if so, the important features of his report?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) Not, yet.

(b) Does not arise.

सस्ती ब्रिटिश पाठ्य पुस्तकें

*११४३. **श्रीमती जोहराबेन चावड़ा :**
श्री प्र० चं० बरुआ :

क्या **शिक्षा** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या मंत्रालय तथा एक ब्रिटिश पुस्तक प्रकाशन संस्थान के बीच सस्ती पाठ्य पुस्तकें प्रकाशित करने के बारे में कोई करार हुआ है ;

(ख) यदि हां, तो किस प्रकार की पुस्तकों का प्रकाशन होना है तथा इनका किन वर्गों के लोगों के लाभार्थ प्रकाशन होगा; और

(ग) इस परियोजना के अधीन मंत्रालय का कितना धन व्यय करने का विचार है ?

शिक्षा मंत्री (श्री मु० क० चागला) : (क) सिद्धान्तरूप में करार हो चुका है ।

(ख) मुख्य रूप से ये पाठ्य पुस्तकें होंगी जिनका प्रकाशन विद्यार्थियों के लाभ के लिए होगा ।

(ग) भारत सरकार की इस सम्बन्ध में कोई वित्तीय जिम्मेदारी नहीं होगी ।

पाकिस्तानी रेडियो का प्रसारण

*११४६. **श्री प्रकाशवीर शास्त्री** : क्या **गृह-कार्य** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि पाकिस्तान तनाव पैदा करने की दृष्टि से भारत में हुए साम्प्रदायिक उपद्रवों आदि की सामान्य घटनाओं को अतिरंजित करके रेडियो पर प्रसारित करता है ;

(ख) क्या यह भी सच है कि भारत में पाक रेडियो सुनने सुनाने पर कोई पाबन्दी नहीं है और देश में बहुत सी जगहों पर जान-बूझ कर सार्वजनिक रूप से प्रसारण सुनवाया जाता है; और

(ग) क्या सरकार उस पर कुछ प्रतिबन्ध लगाने का विचार कर रही है ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री हाथी) : (क) पाकिस्तान रेडियो द्वारा प्रसारण के ऐसे कुछ मामले हमारे नोटिस में आये हैं ।

(ख) क्योंकि इस सम्बन्ध में भारत में कोई प्रतिबन्ध नहीं है, ऐसे प्रसारण सार्वजनिक रूप में सुने जा सकते हैं, अतः यह प्रश्न ही नहीं उठता कि ऐसा जान-बूझ कर किया जाता है ।

(ग) वर्तमान में ऐसा कोई प्रस्ताव विचाराधीन नहीं है ।

Oil in Jaisalmer

*1149. { **Dr. L. M. Singhvi:**
Shri Tan Singh:

Will the Minister of **Petroleum and Chemicals** be pleased to state:

(a) the stage of oil exploration in Jaisalmer; and

(b) whether it is hoped that the work of exploration will be completed within the contractual period of collaboration with the French Petroleum Institute?

The Minister of Petroleum and Chemicals (Shri Humayun Kabir): (a) and (b). Geological mapping and gravity and magnetic surveys have been almost completed. Systematic seismic surveys were started only during the current field season and are in progress. Structural drilling operations are likely to start in the next few months and it may be necessary to continue the exploration work beyond the period of the existing contract.

New Universities

*1150. { **Shri Ramachandra Ulaka:**
Shri Dhuleshwar Meena:

Will the Minister of **Education** be pleased to refer to the reply given to Starred Question No. 53 on the 12th February, 1964 and state:

(a) whether the final report of the Committee on the establishment of new Universities has been received by Government; and

(b) if so, the salient features thereof?

The Minister of Education (Shri M. C. Chagla): (a) No, Sir.

(b) Does not arise.

Cheating by Chit Fund Companies

*1151. **Shri P. C. Borooah:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether his attention has been drawn to the news-item in the *Times of India* of the 4th April, 1964, stating that about 2,100 persons of Delhi have been cheated by nine chit fund companies and chit committees; and

(b) if so, the action taken against those companies?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) Yes, Sir.

(b) 9 cases against chit funds companies have been registered under the Indian Penal Code.

Expenditure of Universities

2351. **Shri Sidheshwar Prasad:** Will the Minister of **Education** be pleased to state:

(a) the break-up of the recurring expenditure of the four Central Universities in 1961-62; and

(b) the *per capita* expenditure in each of the four Central Universities?

The Minister of Education Shri M. C. Chagla): (a) and (b). Information is being collected and will be laid on the Table of the House in due course.

Uniform Entrance Requirements

2352. **Shri Sidheshwar Prasad:** Will the Minister of **Education** be pleased to state:

(a) whether any attempt has been made in the direction of making entrance requirements uniform faculty-wise on all-India State level; and

(b) if so, its details and the machinery for it?

The Minister of Education (Shri M. C. Chagla): (a) Yes, Sir.

(b) The required information is given in the statement laid on the Table of the House. [*Placed in Library. See* No. LT-2761/64].

अन्तर्विश्वविद्यालय बोर्ड की बैठकें

२३५३. **श्री सिद्धेश्वर प्रसाद :** क्या शिक्षा मंत्री ४ मार्च, १९६४ के तारांकित प्रश्न सख्या ४१७ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या इस बीच अन्तर्विश्वविद्यालय बोर्ड की उन्तालीसवीं बैठक की कार्यवाही का वृतान्त प्राप्त हो गया है ;

(ख) यदि हां, तो उसकी मुख्य बातें क्या हैं ; और

(ग) उपरोक्त बैठक में किये गये निर्णयों की क्रियान्विति के लिये कोई कदम उठाये जा रहे हैं और यदि हां, तो क्या ?

शिक्षा मंत्री (श्री मू० क० चागला) : (क) जी नहीं ।

(ख) और (ग) प्रश्न नहीं उठता ।

Diploma of Government College of Physical Education, Jodhpur

2354. Shri Tan Singh: Will the Minister of **Education** be pleased to state:

(a) whether the diploma or certificate in physical education awarded by the Government College of Physical Education, Jodhpur has been recognised since its inception for the purpose of employment; and

(b) if not, the reasons therefor?

The Deputy Minister in the Ministry of Education (Shri Bhakt Darshan): (a) The Diploma and Certificate Courses in Physical Education of the Government College of Physical Education, Jodhpur have been recognised by the Government of India.

(b) Does not arise.

Education Plans of Bihar

2355. Shrimati Ramdulari Sinha: Will the Minister of **Education** be pleased to state:

(a) The extent to which the programmes on education during the Third Five Year Plan have been affected due to financial stringency of Bihar; and

(b) the steps being taken to enable the Bihar Government to fulfil the full educational targets of the Third Five Year Plan?

The Minister of Education (Shri M. C. Chagla): (a) Targets of additional enrolment have been reduced, mainly at the primary stage where a shortfall of six lakhs in enrolment is expected.

(b) An amount of Rs. 20 lakhs has been sanctioned for the appointment of additional teachers during 1963-64 under the accelerated central assistance for programmes of Primary Education, to help the State to fulfil its targets of additional enrolment.

Polytechnicas in Delhi

2356. **Shri Yashpal Singh:**
Shri Bhagwat Jha Azad:

Will the Minister of **Education** be pleased to state:

(a) the name of polytechnics with their location at present functioning in Delhi;

(b) whether it is a fact that the intake of students in each is being increased for the academic year 1964-65; and

(c) if so, the number of seats that would be made available for the first year classes in each polytechnic?

The Minister of Education (Shri M. C. Chagla): (a) Apart from Delhi Polytechnic which is being converted into an engineering college and now admitting students for courses of degree standard, the following polytechnics are at present functioning:—

1. G. B. Pant Polytechnic, Okhla, New Delhi.
2. Pusa Polytechnic, Pusa, New Delhi.
3. Womens' Polytechnic, Dayal Singh Library Building, Rouse Avenue, New Delhi.

(b) It is proposed to increase the intake of students in two polytechnics out of three mentioned above.

(c) 1. G.B. Pant Polytechnic	360
2. Pusa Polytechnic	300
3. Womens' Polytechnic	180

In addition to the above, a proposal for starting a new polytechnic with an intake of 120 students is under the active consideration of the Government.

Triple Benefit Scheme for Delhi School Teachers

2357. Shri E. Madhusudan Rao: Will the Minister of **Education** be pleased to state:

(a) whether Government have under consideration a proposal of granting the triple benefit of provident fund, pension and gratuity to the teachers working in Government and privately managed Higher Secondary Schools in Delhi;

(b) if so, the main features of the Scheme and the number of teachers to be benefited under the scheme in Government and privately managed schools separately; and

(c) the final decision taken in the matter?

The Minister of Education (Shri M. C. Chagla): (a) Yes, Sir, for the teachers working in aided schools.

The teachers of Government schools are governed by the Pension Scheme applicable to other Central Government employees.

(b) The Scheme is intended to give the same social security to all the teachers of the aided schools as to those in Government Schools in respect of pension and gratuity.

(c) No final decision has yet been taken.

Retired Delhi School Teachers

2358. Shri E. Madhusudan Rao: Will the Minister of **Education** be pleased to state:

(a) the number of teachers working in Government Higher Secondary Schools in Delhi who have been retired under normal circumstances before their attaining the age of 58 years since the 1st January, 1963; and

(b) the number of teachers similarly retired who had been working in private Higher Secondary Schools in Delhi?

The Minister of Education (Shri M. C. Chagla): (a) Nil.

(b) Two.

New Test Wells in Navagaon

2359. **Shri Subodh Hansda:**
Shri S. C. Samanta:
Shri Sudhansu Das:
Shri Maheswar Naik:

Will the Minister of **Petroleum and Chemicals** be pleased to state:

(a) whether new test wells are being drilled in the Navagaon area (Banja oil fields) of Gujarat;

(b) if so, the number of wells drilled; and

(c) the result of the drilling?

The Minister of Petroleum and Chemicals (Shri Humayun Kabir): (a) Yes, Sir.

(b) Three wells have been completed upto 31-3-64. Two new holes are under drilling.

(c) Two wells have produced oil during initial testing, while the third is yet to be tested.

गैर-सरकारी स्कूलों में अध्यापक

२३६०. श्री सिद्धेश्वर प्रसाद :
श्री कैप्पन :
श्री अ० ना० विद्यालंकार :

क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि गैर-सरकारी स्कूलों के अध्यापकों के हितों की रक्षा करने के लिए एक विधेयक लाने का विचार किया जा रहा है ;

(ख) यदि हां, तो प्रस्तावित विधेयक की मुख्य बातें क्या हैं ; और

(ग) विधेयक के संसद् में कब तक पेश किये जाने की आशा है ?

शिक्षा मंत्री (श्री मु० क० चागला) : (क) जी हां ।

(ख) प्रस्तावित विधेयक पर अभी भी विचार किया जा रहा है ।

(ग) ज्यों ही आवश्यक कारंवाई पूरी हो कर विधेयक अन्तिम रूप में संसद् में रखने जैसा हो जायेगा ।

Indian Institute of Technology, Kanpur

2361. Shri S. N. Chaturvedi: Will the Minister of **Education** be pleased to lay on the Table a statement showing:

(a) the emoluments and qualifications of the teaching staff appointed to the Indian Institute of Technology, Kanpur; and

(b) the method of selection and the composition of the selection body for appointing the above staff?

The Minister of Education (Shri M. C. Chagla): (a) and (b). The information is being collected and it will be laid on the Table of the House.

Welfare of Scheduled Castes in Uttar Pradesh

2362. Shri Vishwa Nath Pandey: Will the Minister of **Home Affairs** be pleased to state:

(a) the total amount allotted for Uttar Pradesh by the Central Government for the welfare of the Scheduled Castes in 1962-63 and 1963-64; and

(b) the amount actually given to the State Government during the above years?

The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekhar): (a) Rs. 289·81 lakhs.

(b) Rs. 202.45 lakhs.

Aid to Universities in U.P.

2363. { Shri Vishwa Nath Pandey: / Shri Sarjoo Pandey:

Will the Minister of **Education** be pleased to state:

(a) the amount and the purpose for which grants were given to various universities in Uttar Pradesh by the University Grants Commission and when they were given during the Third Plan period;

(b) whether it is a fact that some of the Universities have not enforced the pay-scales prescribed by the University Grants Commission for lack of funds;

(c) whether colleges affiliated to universities in Uttar Pradesh have also been given grants by the University Grants Commission; and

(d) if so, when, and the names of colleges, the amounts given to each and the purpose for which grants were given during Third Five Pear Plan?

The Minister of Education (Shri M. C. Chagla): (a) The required information is given in the statement laid on the Table of the House. [*Placed in Library. See* No. LT-2762/64].

(b) No, Sir.

(c) Yes, Sir.

(d) The required information is given in the statement. laid on the laid on the Table of the House. [*Placed in Library. See* No. LT-2762/64.]

Cultural Grants to Uttar Pradesh

2364. Shri Vishwa Nath Pandey: Will the Minister of **Edcation** be pleased to state:

(a) whether any grants have been given by the Central Government to the Government of Uttar Pradesh for cultural scheme during 1963-64; and

(b) if so, the details of the schemes and grants given for each so far?

The Minister of Education (Shri M. C. Chagla): (a) Yes, Sir.

(b) The details of the grants paid are given below:

(i) Rs. 2,000 for inter-State exchange of cultural troupes.

(ii) Rs. 4,500 for cultural troupes for the entertainment of Armed Forces in Forward Areas.

(iii) Rs. 6,800 for open-air theatres in rural areas.

(iv) Rs. 2,32,432 for re-organisation and development of museums.

(v) Rs. 6,000 for preparation of 'Who's Who' of persons who took part in freedom struggle.

Post-Matric Scholarships

2365. Shri Vishwa Nath Pandey: Will the Minister of **Education** be pleased to state:

(a) the total number of scholarships awarded to the students belonging to Scheduled Castes and Other Backward Classes for post-Matric studies in Uttar Pradesh during 1963-64; and

(b) the total number of students who applied for them from the Uttar Pradesh State during 1963-64?

The Minister of Education (Shri M. C. Chagla): (a)

(i) Scheduled Castes ..	17,583
(ii) Other Backward Classes	3,402
(b) (i) Scheduled Castes ..	17,764
(ii) Other Backward Classes	6,451

Oil Deposits in Doon Valley

Shri P. R. Chakraverti:
Shri N. R. Laskar:
Shri Vishwa Nath Pandey:
Shri Bishwanath Roy:
Shri Onkar Lal Berwa:
Shri Ram Harkh Yadav:
Shri Murli Manohar:

Will the Minister of **Petroleum and Chemicals** be pleased to state the extent to which the survey in the Himalayan region and the Terai area has revealed indications of rich oil deposits in the Doon Valley?

The Minister of Petroleum and Chemicals (Shri Humayun Kabir): The survey in the Himalayan region and the Terai area is continuing and it is not yet possible to make a definite assessment of oil potentialities.

अध्यापकों को पुरस्कार

२३६७. **श्री विश्वनाथ पाण्डेय :** क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) पिछले चार वर्षों में अर्थात् १९६०-६१ से १९६३-६४ तक केन्द्रीय सरकार द्वारा कितने अध्यापकों को पुरस्कार दिये गये हैं ; और

(ख) उनका राज्यवार विवरण क्या है ?

शिक्षा मंत्री (श्री मु० क० चागला) : (क) ३२६ अध्यापकों को पुरस्कार इस प्रकार दिए गए :—

१९६०-६१	७१
१९६१-६२	८५
१९६२-६३	८५
१९६३-६४	८५
कुल .	३२६

(ख) विवरण सभा पटल पर रख दिया गया है । [**पुस्तकालय में रखा गया, देखिये** संख्या एल० टी०—२७६३/६४].

Delimitation of Wards of Port Blair

2368. Shrimati Savitri Nigam: Will the Minister of **Home Affairs** be pleased to state:

(a) the reasons for delimiting the wards of Port Blair municipal area in such a manner that the biggest ward has about 2,000 voters and the smallest among them about 500 voters according to Electoral Roll, 1964; and

(b) whether Government propose to delimit the wards afresh before the next municipal elections with a view to make them more closely proportionate in respect of strength of voters in each of them?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) The wards of the Municipal Board were delimited in 1957, keeping in view the conditions then obtaining.

(b) Yes, Sir. The next elections to the Municipal Board will falll due in April, 1965 by which time the Administration propose to delimit Municipal wards afresh.

Fertilizer Factory, Goa

2369. Shri P. C. Borooah: Will the Minister of **Petroleum and Chemicals** be pleased to state how far the proposal for setting up of a fertilizer foctory in Goa has progressed?

The Minister of State in the Ministry of Petroleum and Chemicals (Shri Alagesan): An application from a private party for the establishment of a fertilizer factory in Goa for the manufacture of ammonium phosphate has been considered and found acceptable in principle. A letter of intent is being issued to enable the party to finalize all details of the scheme before a licence is granted.

C.S. and I.R.

2370. Shri R. Barua: Will the Minister of **Education** be pleased to state:

(a) whether any set policy is followed in making appointments to the posts of Directors, Deputy Directors and Assistant Directors in the Council of Scientific and Industrial Research;

(b) whether recent promotions and appointments to such posts were made after proper advertisement; and

(c) if so, whether Government will lay on the Table a statement showing particulars of such promotions and appointments made during the last six months?

The Minister of Education (Shri M. C. Chagla): (a) The policy is that posts of Directors are not advertised. Other posts are normally required to be advertised but a post may also be filled by a scientist of proven merit subject to the post being advertised and the person appointed on *ad hoc* basis competing with others before a Selection Committee at a later date.

(b) During the last six months appointments were made in accordance with (a) above. There was one case of promotion to the grade of Deputy Director where the post was upgraded with the incumbent.

(c) A statement is laid on the Table of the House showing appointments made to the posts of Directors, Deputy Directors and Assistant Directors during the period from 1-10-1963 to 31-3-1964. [*Placed in Library. See* No. LT-2764/64].

Foreign Nationals in Central Jail

2371. Shri S. M. Banerjee: Will the Minister of **Home Affairs** be pleased to state:

(a) the number of foreign nationals convicted or detained in Central Jail, New Delhi and the number of them in 'B' class and 'C' class respectively;

(b) whether foreign nationals are given western diet; and

(c) whether Indians who opt for western diet are also given western diet?

The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekhar): (a) No. of foreign nationals—12. 'B' Class—2. 'C' Class—10.

(b) Yes, Sir, only to those accustomed to western diet.

(c) Yes, Sir, only to those who are really accustomed to western diet.

Seniority of Assistants

2372. { **Shri S. M. Banerjee:** / **Shri Kachhavaiya:**

Will the Minister of **Home Affairs** be pleased to state:

(a) whether any representations were received from Assistants of the Central Secretariat regarding rectification of erroneous fixation of their seniority;

(b) if so, whether any action was taken thereon on the basis of the Judgement by the Allahabad High Court delivered on the 3rd January, 1964; and

(c) if not, the reasons therefor?

The Deputy Minister in the Ministry of Home Affairs (Shri L. N. Mishra): (a) to (c). Recently some representations referring to the Allahabad High Court Judgement have been received. These are under consideration.

Bomb Found at Dehra Dun

2373. { **Shri Yashpal Singh:** / **Shri S. M. Banerjee:**

Will the Minister of **Home Affairs** be pleased to state:

(a) whether a bomb was found near the Survey of India Office at Dehra Dun on the 15th March, 1964;

(b) whether any investigation has been ordered; and

(c) whether any culprit has been apprehended?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) No, Sir.

(b) and (c). Do not arise.

Departmental Canteens

2374. Shri A. S. Saigal: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that elected members of staff councils in his Ministry are not associated with the management of departmental canteens;

(b) whether any emoluments are paid to Government servants employed in the departmental canteens; and

(c) if so, the total emoluments paid to such Government servants?

The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekhar): (a) No, Sir. They are represented.

(b) No.

(c) Does not arise.

All India Service Officers

2375. Shri Harish Chandra Mathur: Will the Minister of **Home Affairs** be pleased to state:

(a) who are the All India Services officers who have been retired at the age of 55 and not given the benefit of increase in superannuation age to 58;

(b) how their cases were processed;

(c) whether U.P.S.C. was consulted;

(d) how many cases are pending for such retirement at the age of 55; and

(e) how many have crossed the 55 age limit?

The Deputy Minister in the Ministry of Home Affairs (Shri L. N. Mishra): (a) One officer, Shri A. R. Khan (I.P.S.—U.P.) has retired on the ex-

piry of the period of notice served on him. Notice has also been served on another officer, Shri Y. Bhargava (I.A.S.—M.P.), requiring him to retire on 10th July, 1964 on the expiry of the period of notice.

(b) The State Governments considered the cases of officers about to attain the age of 55 years, and moved the Government of India for their approval to serve notice on these officers requiring them to retire. The Government of India considered the proposals and approved them.

(c) No Sir.

(d) One case, as on 19th April, 1964.

(e) There were 72 officers in the I.A.S. and 36 officers in the I.P.S. over 55 years of age in service as on 31-3-1964.

Violation of Foreign Exchange Regulations

2376. Shrimati Renu Chakravartty: Will the Minister of **Home Affairs** be pleased to state:

(a) whether the enquiries into the alleged corrupt practices and violation of Foreign Exchange Regulations by E.M.C., Jessore Road, Dum Dum, West Bengal and its subsidiaries and ventures under the same owners have been completed;

(b) if not, the reasons for the delay;

(c) the stage at which the enquiry is; and

(d) whether any charges have been framed?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) Inquiries into the cases relating to alleged cheating of Electricity Boards have been completed by the S.P.E.

As regards the alleged violation of Foreign Exchange Regulations adjudication proceedings as provided in the Foreign Exchange Regulation Act have already been initiated by the Foreign Exchange Regulation Act have already been initiated by the Directorate of Enforcement.

(b) does not arise;

(c) and (d). Investigation of the cases was completed by the S.P.E. a long time ago. In one case a charge sheet under sections 120-B, 420, 468, 471, 109, 116 and 420 read with 511 IPC against the Company and its seven office bearers was filed in the court of Special Magistrate at Jabalpur. In the other case a complaint was filed by the Deputy Chief Controller of Imports & Exports before the court of the Special Magistrate, Delhi under section 120-B read with Sec. 420 I.P.C. and Section 5 of the Import & Export Control Act, 1947 and Section 420 of the I.P.C. against the Company and four office bearers.

The Courts have not yet framed charges.

Electrologging Unit

2377. Shri Ram Harkh Yadav: Will the Minister of **Petroleum and Chemicals** be pleased to state:

(a) whether the Oil and Natural Gas Commission, Dehra Dun have succeded in producing the first electrologging unit in the country; and

(b) if so, its effect on the Indian trade and Economy?

The Minister of Petroleum and Chemicals (Shri Humayun Kabir): (a) A set of instruments which will form part of an electrologging unit, has been constructed by the Oil and Natural Gas Commission, on an experimental basis. The instruments, have yet to be tested under field conditions.

(b) After the instruments have been tested and found satisfactory, their production will be taken up in the country, thereby saving foreign exchange.

Pre-Matric Scholarships in Orissa

2378 { **Shri Ramachandra Ulaka:**
Shri Dhuleshwar Meena:

Will the Minister of **Home Affairs** be pleased to state:

(a) whether the Orissa Government have requested the Centre to increase the allotment under Pre-matric scholarships for Scheluded Castes and scheduled Tribes students during 1963-64; and

(b) if so, the reaction of Government thereto?

The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekhar): (a) Yes, Sir.

(b) The entire provision of Rs. 16.00 lakhs (i.e., Rs. 8.00 lakhs for Scheduled Tribes and Rs. 8.00 lakhs for Scheduled Castes) proposed by the State Government for the scheme during 1963-64 was agreed to.

Adivasis of Maharashtra

2379. **Shri D. S. Patil:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that a deputation of Adivasis, under the auspices of Maharashtra Pradesh Adivasi Sewa Mandal met him on the 27th November, 1963 and submitted a memorandum;

(b) if so, the main contents thereof; and

(c) the action taken thereon?

The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekhar): (a) Yes, Sir.

(b) The main points made were :—

(i) that there should be a separate Commissioner for Scheduled Tribes; and

(ii) revision of the list of Scheduled Tribes, particularly in respect of the Vidarbha region.

(c) The question whether there should be an exclusive Commissioner for Scheduled Tribes was carefully examined, and it was considered that a separate Commissioner was not necessary. As regards revision of the lists of Scheduled Tribes, this matter is under active consideration. In this connection attention is invited to the reply given to starred question No. 57 answered in the Lok Sabha on 12th February, 1964.

Polytechnics for Girls

2380. **Shri G. Mohanty:** Will the Minister of **Education** be pleased to state.

(a) whether a Scheme to establish polytechnics for girls in four places in the eastern zone (Bihar, Orissa and Assam) is under consideration; and

(b) if so, the details of the scheme?

The Minister of Education (Shri M. C. Chagla): (a) and (b). The Third Five-Year Plans of Bihar, Orissa and Assam provide for the establishment of four Girls Polytechnics. Detailed schemes for the Palytechnics including the centres where they will be located are awaited from the State Governments.

Welfare of Harijans

2381. { **Shri Yashpal Singh:**
Shri Vishram Prasad:

Will the Minister of **Home Affairs** be pleased to state:

(a) whether a memorandum has been submitted to Government by the All India Federation of Scheduled Castes and Scheduled Tribes and other Backward Classes for improving the conditions of Harijans;

(b) if so, their main demands; and

(c) action proposed to be taken on them?

The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekhar): (a) Yes.

(b) and (c). A statement is laid on Table of the House. [*Placed in Library. See* No. LT-2765/64].

House Building Societies in Delhi

2382. **Shri Brij Raj Singh:**
Shri Bade:
Shri Kachhavaiya:

Will the Minister of **Home Affairs** be pleased to state:

(a) the number of Housing Building Co-operative Soceities in Delhi;

(b) the number of societies to whom land has been allotted; and

(c) when the land is likely to be allotted to the remaining societies?

The Deputy Minister in the Ministry of Home Affairs (Shri L. N. Mishra): (a) 282.

(b) 18

(c) 14 cooperative house building societies have been offered land, but possession has not been delivered to them, because they have not paid the premium.

For 23 other co-operative house building societies 110 acres of land is being developed and possession of developed plots will be given after development.

113 societies have been asked to intimate whether they would be willing to take undeveloped land in areas where municipal services could not be provided within the next five to ten years; remaining societies are being addressed to the same effect.

Judge for Hazratbal Relic Theft Case

2383. Shri Hari Vishnu Kamath: Will the Minister of **Home Affairs** be pleased to refer to the reply given to Starred Question No. 753 on the 25th March, 1964 and state:

(a) whether any request for the services of a Judge to try the Hazratbal Relic Theft Case has been received from the State Government of Jammu and Kashmir; and

(b) if so, the action taken thereon?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) No, Sir.

(b) Does not arise.

अमोनियम क्लोराइड उर्वरक

२३८४. **श्री बाल कृष्ण सिंह :**
श्री विश्वनाथ राय :
श्री राजदेव सिंह :

क्या **पेट्रोलियम तथा रसायन** मंत्री यह बताने की कृपा करेंगे कि :

(क) अमोनियम क्लोराइड उर्वरक के उत्पादन में कितने कारखाने लगे हुए हैं और उनके नाम क्या हैं ;

(ख) क्या ये कारखाने चूर्ण के रूप में अमोनियम क्लोराइड उर्वरक का उत्पादन करते हैं, जो कि पौधों के लिए हानिकर हैं, दाने के रूप में नहीं करते ; और

(ग) यदि हां, तो इस सम्बन्ध में सरकार द्वारा क्या कदम उठाये जा रहे हैं ?

पेट्रोलियम और रसायन मंत्रालय में राज्य मंत्री (श्री अलगेशन) : (क) एक। वाराणसी में साहू कैमीकल्ज सोडाऐश फैक्टरी।

(ख) क्रिस्टल की आकृति में उत्पादित।

(ग) प्रश्न ही नहीं उठता।

12277 **Advisory Committees for Andamans And Nicobar Islands**

2385. **Shrimati Savitri Nigam:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether the Home Minister's Advisory Committee and Chief Commissioner's Advisory Committee for the Andaman and Nicobar Islands have been re-constituted for 1964-65; and

(b) if so, the names of the new members of these committees?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) and (b). The re-constitution of both the Committees is under consideration.

सूखे प्रोटीन का उत्पादन

२३८६. **श्री ओंकार लाल बेरवा** : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि लखनऊ की केन्द्रीय भेषज गवेषणा संस्था में की गई गवेषणाओं के अनुसार अब सूखे प्रोटीन का उत्पादन भारत में ही बहुत मात्रा में किया जा सकता है ; और

(ख) यदि हां, तो उसके उत्पादन को प्रोत्साहन देने के लिए सरकार का क्या कदम उठाने का विचार है ?

शिक्षा मंत्री (श्री मु० क० चागला) : (क) सेंट्रल ड्रग रिसर्च इंस्टीट्यूट, लखनऊ में किए गए काम का सम्बन्ध एक ऐसी प्रक्रिया को विकसित करने से है, जो प्रोटीन सम्बन्धी कुपोषण के मौखिक इलाज के लिए तिलहन की खली से प्रोटीन जलीय विशलेषण (हाइड्रोलाइसेट) के तैयार करने के बारे में है।

(ख) औषध निर्माण उद्योग के उपयोग के लिए यह प्रक्रिया मुफ्त उपलब्ध कर दी गई है।

विश्वायतन योगाश्र

२३८७. **श्री यशपाल सिंह** : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या विश्वायतन योगाश्रम को सरकार द्वारा कोई अनुदान दिया जाता है ;

(ख) यदि हां, तो पिछले पांच वर्षों में कितनी सहायता दी गई है; और

(ग) क्या सरकार को इस राशि के दुरुपयोग के सम्बन्ध मे समय-समय पर शिकायतें मिलती रही हैं और यदि हां, तो इस मामले में क्या कार्यवाही की गई ?

शिक्षा मंत्रालय में उपमंत्री (श्री भक्त दर्शन) : (क) जी हां, सरकार ने गत वर्षों में विश्वायतन योगाश्रम को अनुदान दिया है।

(ख)

१९५९–६०	७०,००० रुपये
१९६०–६१	४०,००० रुपये
१९६१–६२	६२,००० रुपये
१९६२–६३	२७,४०८ रुपये
१९६३–६४	कुछ नहीं
	२,२९,४०८ रुपये

(ग) कुछ शिकायतें प्राप्त हुई हैं और उनकी जांच की जा रही है।

Engineering Research

2388. **Shri D. C. Sharma:** Will the Minister of **Education** be pleased to state.

(a) whether any allocation has been made for design, research and development in electrical, mechnical and heavy engineering during 1964-65; and

(b) if so, the extent thereof and the specified fields in which research is proposed to be undertaken?

The Deputy Minister in the Ministry of Education (Dr. M. M. Das): (a) and (b). As far as the Ministry of Education is concerned the Central Mechanical Engineering Research Institute, Durgapur under the Council of Scientific and Industrial Research has been given a budget allocation of Rs. 13 lakhs (recurring) and Rs. 12.59 lakhs (capital) for 1964-65. This Institute is devoted to research in Mechanical Engineering.

No other separate allocation specifically for design, research and development in Electrical, Mechanical and Heavy Engineering has been made. However, certain universities and engineering institutions running post-graduate courses in Machine Design, Mechanical Engineering and Electrical Machine Design are given 100 per cent assistance for both recurring and non-recurring expenditure for the organization of these courses. The expenditure on the running of these courses has been included in the consolidated estimates of the Universities/Institutions for the development of their respective departments.

World Golf Championship

2389. { **Shri Ram Harkh Yadav:** **Shri Murli Manohar:**

Will the Minister of **Education** be pleased to state:

(a) whether the All India Council of Sports proposes to send its representatives or to sponsor any Indian team to participate in the World Golf Championship to be held in Rome in October, 1964; and

(b) if so, the reaction of Government thereto?

The Deputy Minister in the Ministry of Education (Shri Bhakt Darshan): (a) The All India Council of Sports have recommended that an Indian team, consisting of four Golfers and one Manager, be allowed to participate in the World Golf Championship and given foreign exchange for the purpose.

(b) The recommendation of the Council is under the consideration of the Government.

Barauni Refinery

2390. Shri Indrajit Gupta: Will the Minister of **Petroleum and Chemicals** be pleased to state:

(a) whether any construction allowance is being paid to the employees of the Indian Refineries Ltd. at Barauni;

(b) if not, whether Government are aware that employees of all other public sector projects in Bihar are getting construction allowance; and

(c) the reasons for this discrimination?

The Minister of Petroleum and Chemicals (Shri Humayun Kabir):

(a) Yes, Sir.

(b) and (c). Do not arise.

Polytechnic at Nangal Dam

2391. Shri Daljit Singh: Will the Minister of **Education** be pleased to refer to the reply given to Unstarred Question No. 1546 on the 25th March, 1964, and state:

(a) whether Government propose to establish a polytechnic at Nangal Dam which is in the backward hilly area, having a population of 40,000 consisting mostly of the people displaced from areas acquired for the Fertilizer Factory and the Bhakra Dam Project; and

(b) if not, the reasons therefor?

The Minister of Education (Shri M. C. Chagla): (a) No such proposal has been received from the State Government.

(b) The question of establishing a polytechnic at Nangal has to be first considered by the State Government under its Five Year Plan.

राजस्थान में अनसूचित जाति के लोग

२३९२. **श्री ओंकार लाल बेरवा :**
श्री कछवाय :

क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि केन्द्रीय सरकार राजस्थान के अनुसूचित जाति के लोगों की दशा की जांच कराने के लिए कुछ उच्च अधिकारियों को भेजने का विचार कर रही है; और

(ख) यदि हां, तो ऐसे अधिकारियों को क्या कार्य सौंपे जायेंगे ?

गृह-कार्य मंत्रालय में उपमंत्री (श्रीमती चन्द्रशेखर) : (क) जी नहीं।

(ख) प्रश्न ही नहीं उठता।

शस्त्रास्त्रों का निर्माण

२३९३. **श्री प० ला० बारूपाल :**
श्री सुबोध हंसदा :
श्री कछवाय :
श्री नी० रं० लास्कर :
श्री वाडीवा :
श्री बाबूनाथ सिंह :
श्री राम सेवक :
श्री प० चं० बर्मन :
श्री दलजीत सिंह :

क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) ऐसे कितने राज्य हैं, जिनमें १९५६ के बाद आयुध कारखानों के अतिरिक्त शस्त्रास्त्र बनाने के लिए लाइसेंस दिये गये हैं ;

(ख) प्रत्येक राज्य में ऐसे कितने कारखाने हैं और उनमें किस प्रकार के शस्त्रास्त्र बनाये जा रहे हैं; और

(ग) क्या सरकार छोटे शस्त्रास्त्रों की कमी को देखते हुए कोई नया कारखाना स्थापित करने का विचार कर रही है ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री जयसुखलाल हाथी) : (क) से (ग) सूचना सम्बन्धित अधिकारियों से मांगी जा रही है, तथा प्राप्त होने पर सभा पटल पर रख दी जायेगी।

राजस्थान में कास्टिक सोडा और प्लास्टिक के कारखाने

२३९४. **श्री ओंकार लाल बेरवा :** क्या पेट्रोलियम तथा रसायन मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या राजस्थान में कास्टिक सोडा और प्लास्टिक के कारखाने खोलने पर विचार किया जा रहा है ;

(ख) यदि हां तो वे कहां कहां खोले जायेंगे और इसमें कितना समय लगेगा; और

(ग) उन पर अनुमानतः कितना धन व्यय होगा ?

पट्रोलियम और रसायन मंत्रालय में राज्य मंत्री (श्री अलगेशन) : (क) कोटा, राजस्थान में निजी क्षेत्र में मैसर्ज राजस्थान वाइनिल क्लोराइड एण्ड कैमीकल एण्डस्ट्रीज लि० के एक कास्टिक सोडा, पौली–वाइनिल क्लोराइड और कैल्सियम कार्बाइड यूनिट ने १९६४ के आरम्भ में उत्पादन शुरू कर दिया है। उसी राज्य (अर्थात् राजस्थान) में अन्य कोई कास्टिक सोडा और प्लास्टिक के कारखाने को लगाने का कोई नया प्रस्ताव नहीं है।

(ख) तथा (ग). प्रश्न नहीं उठता।

Inter-State Police Machinery

2395. { **Shri D. C. Sharma:**
Shri Onkar Lal Berwa:
Shri Ram Harkh Yadav:

Will the Minister of **Home Affairs** be pleased to state:

(a) whether inter-State police machinery is proposed to be set up to launch a sustained drive against gangs of thieves and bootleggers operating in Delhi, Uttar Pradesh and Punjab; and

(b) if so, the details of the proposals?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) No, Sir.

(b) Does not arise.

Governor of U.P.

2396. Shri Hari Vishnu Kamath: Will the Minister of **Home Affairs** be pleased to refer to the reply given to Starred Question No. 953 on the 8th April, 1964 and state:

(a) whether the Governor of Uttar Pradesh was absent from the State at the time when the constitutional conflict of jurisdiction between the legislature and Allahabad High Court was brewing;

(b) if so, from what date to what date; and

(c) where he was at the time?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) to (c). The Governor left Lucknow on the 15th March and returned on the 29th March after visiting West Bengal and Orissa.

Development of Sanskrit in Orissa

2397. { **Shri Dhuleshwar Meena:**
Shri Ramachandra Ulaka:

Will the Minister of **Education** be pleased to state:

(a) the total Central assistance given to voluntary organisations in Orissa for development of Sanskrit in the State during 1963-64;

(b) the names of organisations to which these grants were given during the same period; and

(c) the Central assistance proposed to be given to voluntary organisations in the State for the development of Sanskrit during 1964-65?

The Deputy Minister of Education (Shri Bhakt Darshan): (a) Rs. 1,800.00

(b) Ananta Sanskrit Vidyapeetha, Kantar, P.O. Sidhal, Distt. Cuttack.

(c) No State-wise allocation is made. Under this Ministry's Scheme for assistance to voluntary Sanskrit Organisations/Institutions and Pathasalas for promotion of Sanskrit, applications are invited every year and assistance is given to such organisations/institutions and Pathasalas as may apply for it on the merits of the projects proposed to be implemented by them.

Oriya Literature and Culture

2398. { **Shri Dhuleshwar Meena:**
Shri Ramachandra Ulaka:

Will the Minister of **Education** be pleased to state:

(a) whether any grants were given to Orissa for unlift and preservation of Oriya literature and culure during 1963-64;

(b) if so, the details thereof; and

(c) the total amount of grants proposed to be given to the State during 1964-65 for the same purpose?

The Minister of Education (Shri M. C. Chagla): (a) Yes. Sir.

(b) The following grants were paid to the Government of Orissa and institutions in Orissa during 1963-64:—

Grants to the State Government.

(i) Rs. 6,000 for the visit of the Orissa troupe to Assam and Rajasthan.

(ii) Rs. 3,800 for the visit of the Orissa troupe to Eastern Command.

(iii) Rs. 5,750 for the setting up of 5 open air theatres in rural areas.

(iv) Rs. 80,000 paid as Central assistance under the scheme of "Development of Modern Indian Languages".

(v) Rs. 15,147 paid as Central assistance under the scheme of "Reorganisation and Development of Museums".

Private Institutions.

(vi) Rs. 500 paid to the Ganjam District Drawing Masters Association, Berhampur, for holding Children's Art Competition and drawing Exhibition.

(vii) Rs. 4,000 paid to Mayurbhanj Chhow Nritya Pratisthan, Baripada, for construction of building.

(c) The quantum of grants to Orissa Government during 1964-65 will depend upon the specific proposals to be received from the State Government.

Governors

2399. Shri Hari Vishnu Kamath: Will the Minister of **Home Affairs** be pleased to state the total number of days during which the Governor of each State was absent from his State from 1st April, 1959 to 31st March, 1964?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): A statement, giving the information, is laid on the Table of the House. [*Placed in Library. See* No. LT-2766/64].

Retirement age of Delhi School Teachers

2400. Shri E. Madhusudan Rao: Will the Minister of **Education** be pleased to state:

(a) whether it is a fact that the extension of the age of retirement to 58 years has been made applicable in respect of the teachers working in Government Higher Secondary Schools in Delhi with effect from December, 1962;

(b) whether it is also a fact that this facility is being denied to the teachers working in Government aided and recognised private Higher Secondary Schools in Delhi;

(c) whether any representation in this regard has been received by the Delhi Education Directorate; and

(d) if so, the action taken or being taken in the matter?

The Minister of Education (Shri M. C. Chagla): (a) Yes, Sir, subject to the usual condition that the Government may require the employee to retire after he attains the age of 55 years on three months' notice without assigning any reason.

(b) Question does not arise, since teachers of aided schools are governed by a different set of rules regarding retirement. Under these rules they continue in service upto the age of 60 years subject to health and suitability.

(c) No, Sir.

(d) Question does not arise.

12.00 hrs.

STATEMENT *RE.* COMMONWEALTH PRIME MINISTERS' CONFERENCE

The Prime Minister, Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): Mr. Speaker, Sir, I have to inform the House that it is proposed to hold a meeting of the Commonwealth Prime Ministers in London in July next. The dates proposed are 8th to 15th July, though these are not quite certain yet. I have accepted the invitation and I hope to attend the conference.

Shri Nath Pai (Rajapur): On a former occasion, to the question as to

[Shri Nath Pai]

who will be looking after very important matters of State in the absence of the Prime Minister, the Prime Minister said, when the occasion comes, he will give his attention to the question of an officially designated Deputy Prime Minister. On a previous occasion, when he had gone, there is a precedent to show that such steps were taken.

May I know, when he is going on a long journey, whether he is going to contemplate who will be looking after the very important matters of State as officially designated Deputy Prime Minister?

Shri Jawaharlal Nehru: I do not remember of any previous occasion when any special arrangements had to be made or were made.

Shri Nath Pai: Maulana Azad was designated as the Deputy Prime Minister during one of the Commonwealth Prime Ministers' meeting.

Mr. Speaker: Papers to be laid on the Table.

Shri Hem Barua (Gauhati): May I draw the attention of the Prime Minister to the fact that although he did not designate the late lamented Maulana Azad as Deputy Prime Minister.....

Mr. Speaker: Where is the necessity of going into it in April when he has to go in July?

Shri Nath Pai: We would not be here in July.

Mr. Speaker: Papers to be laid on the Table.

12.03 hrs.

PAPERS LAID ON THE TABLE

NOTIFICATIONS UNDER EMERGENCY RISKS (FACTORIES) INSURANCE ACT AND EMERGENCY RISKS (GOODS) INSURANCE ACT AND REPORT ON WORKING OF DEPOSIT INSURANCE CORPORATION.

The Minister of Finance (Shri T. T. Krishnamachari): I beg to lay on the Table a copy each of the following papers:

(1) The Emergency Risks (Factories) Insurance (Amendment) Scheme, 1964 published in Notification No. S.O. 1114 dated the 30th March, 1964, under sub-section (7) of section 3 of the Emergency Risks (Factories) Insurance Act, 1962. [*Placed in Library. See* No. LT-2756/64].

(2) The Emergency Risks (Goods) Insurance (Amendment) Scheme 1964 published in Notification No. S.O. 1115 dated the 30th March, 1964, under sub-section (6) of section 5 of the Emergency Risks (Goods) Insurance Act, 1962. [*Placed in Library. See* No. LT-2757/64].

(3) Report on the working of the Deposit Insurance Corporation for the year ended 31st December, 1963 along with the Annual Accounts and the Audit Report thereon, under sub-section (2) of section 32 of the Deposit Insurance Corporation Act, 1961. [*Placed in Library. See* No. LT-2758/64].

NOTIFICATION UNDER ALL-INDIA SERVICES ACT

The Minister of State in the Ministry of Home Affairs (Shri Hathi): I beg to lay on the Table a copy of Notification No. G.S.R. 898, dated the 1st June, 1963 making certain further amendment to the All India Services (Death-cum-Retirement Benefits) Rules, 1958, under sub-section (2) of section 3 of the All India Services Act, 1951. [*Placed in Library. See* No. LT-2759/64].

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

FORTY-SECOND REPORT

Shri Krishnamoorthy Rao (Shimoga): I beg to present the Forty-second Report of the Committee on Private Members' Bills and Resolutions.

12.05 hrs.

WAKF (AMENDMENT) BILL*

The Minister of Petroleum and Chemicals (Shri Humayun Kabir): I beg to move for leave to introduce a Bill further to amend the Wakf Act, 1954.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Wakf Act, 1954."

The motion was adopted.

Shri Humayun Kabir: I introduce the Bill.

12.06 hrs.

BUSINESS ADVISORY COMMITTEE

TWENTY-SIXTH REPORT

Shri Rane (Buldana): I beg to move:

"That this House agrees with the Twenty-sixth Report of the Business Advisory Committee presented to the House on the 21st April, 1964."

Mr. Speaker: Motion moved:

"That this House agrees with the Twenty-sixth Report of the Business Advisory Committee presented to the House on the 21st April, 1964."

Shri S. M. Banerjee (Kanpur): In this report, I find that only 5 hours have been allotted to the Constitution (Eighteenth Amendment) Bill of 1964. We know that this particular Bill has raised a public controversy in the country and 67 lawyers who are members of the Supreme Court Bar Council have also written to the Prime Minister. Even editorials have come in this regard. Not only according to me, but according to those eminent lawyers, this Bill is the most pernicious and mischievous piece of legislation. It would have been better if the Bill had been withdrawn and the Prime Minister....

Mr. Speaker: He must come to his point now.

Shri S. M. Banerjee: My point is only this, that this Bill should be given 10 hours instead of 5 hours. I move:

"That the time allotted for the Constitution (Eighteenth Amendment) Bill, 1964 be extended to 10 hours."

Shri Sivamurthi Swamy (Koppal): Mr. Speaker, Sir, repeatedly I have represented to you and to this House that now we are seriously discussing about the Fourth Five Year Plan, and there was a Commission called the Gulhati Commission appointed by the Government in connection with the water disputes which has given its report.

Mr. Speaker: We are only concerned with this motion which is before the House just at this moment and not anything else.

Shri Sivamurthi Swamy: I request the Government, through you, Sir, to allot some time to discuss this Gulhati

*Published in Gazette of India, Extraordinary, Part II—Section 2, dated 22-4-64.

[Shri Sivamurthy Swami]

Commission's report. There is no other chance for us to discuss this report and to draw the attention of the Government to certain points.

Mr. Speaker: The hon. Member knows that this can only be raised when the Minister for Parliamentary Affairs announces the business for the next week and not at this moment.

Shri S. S. More (Poona): Sir, I have to make a submission. In the table of allotment of time for the business before the House only two hours seem to have been allotted to the Advocates (Amendment) Bill, 1964. This Bill seems to have been repeatedly moved in this House. The last Bill was withdrawn and a new Bill has been introduced. It deals with the fate of a good many young people in the country, and as such it would need a very thorough discussion. I think two hours will hardly be sufficient for such a discussion.

Then, another proposal.....

Mr. Speaker: What does he propose? Does he suggest any amendment?

Shri S. S. More: At least 5 hours should be allotted to the Advocates (Amendment) Bill, 1964.

My further submission will be with regard to the Constitution (Eighteenth Amendment) Bill, 1964, regarding which Shri Banerjee has made his own submission. I feel the same way, that a larger time be allotted for this Bill. I support his suggestion.

The third Bill that I propose to refer to is the Goa, Daman and Diu Judicial Commissioner's Court (Declaration as High Court) Bill, 1963. It will raise, undoubtedly, certain issues of principles. Therefore, I feel that one hour—the time allotted now—will hardly be sufficient for discussing these issues. I would, therefore, propose that at least 5 hours be allotted for this Bill.

Mr. Speaker: First I will put Shri Banerjee's amendment. I will have to put it to the House.

Shri S. M. Banerjee: He has agreed. If the Government agrees.....

Mr. Speaker: Who has agreed?

Shri S. M. Banerjee: If the Government agrees, then there is no necessity to put it to the House.

Mr. Speaker: How could it be communicated? By telepathy?

I may inform the hon. Member that the demand made for this Bill was only 6 hours, and I promise that if need be I will exercise my powers and extend it to 6 hours. Is he satisfied with that?

Shri S. M. Banerjee: It is not a question of my being satisfied. The country has to be satisfied?

Mr. Speaker: The country is not to be satisfied at this moment. On the question whether the allotment of time should be 10 hours or 5 hours, where is the necessity for the country's satisfaction?

I shall now put his amendment to the vote of the House. The question is:

> "That the time allotted for the Constitution (Eighteenth Amendment) Bill, 1964 be extended to 10 hours."

Those in favour may say 'Aye'.

Some Hon. Members: 'Aye'.

Mr. Speaker: Those against may say 'No'.

Some Hon. Members: 'No'.

Mr. Speaker: The 'Noes' have it

Some Hon. Members: The 'Ayes' have it.

Mr. Speaker: If you want a division, you will have it. Let the lobbies be cleared. I might just express my apprehension here. If this decision is taken by this House, I might lose the discretion of one hour that I have got at present. Hon. Members may bear that in mind. Now, the question is:

"That the time allotted for the Constitution (Eighteenth Amendment) Bill, 1964 be extended to ten hours."

Those in favour may say 'Aye'.

Some Hon. Members: 'Aye'.

Mr. Speaker: Those against it may say 'No'.

Several Hon. Members: 'No'.

Mr. Speaker: The 'Noes' have it.

Shri S. M. Banerjee: Let them have it.

The motion was negatived.

Mr. Speaker: Do I have to put the other motions to the vote of the House? Does Shri More press his motion?

Shri S. S. More: If you so desire, I will not press it.

Shri U. M. Trivedi (Mandsaur): I support the motion of Shri More.

Shri Shinkre (Marmagoa): I also support it.

Mr. Speaker: I do not think the advocates (Amendment) Bill requires five hours. We can allot four hours for that instead of two hours.

Some Hon. Members: Yes.

Mr. Speaker: Regarding the Goa, Daman and Diu Judicial Commissioner's Court (Declaration as High Court) Bill, I do not think it requires as much as five hours.

Shri Nath Pai: But one hour is hardly sufficient.

Mr. Speaker: We will give it two hours instead of one hour.

The question is:

"That this House agrees with the Twenty-sixth Report of the Business Advisory Committee presented to the House on the 21st April, 1964 as amended by the House."

The motion was adopted.

12.11 hrs.

COMPANIES (PROFITS) SURTAX BILL, 1964

The Minister of Finance (Shri T. T. Krishnamachari): Sir, I beg to move*:

"That the Bill to impose a special tax on the profits of certain companies be taken into consideration."

The Bill is a short and simple one. I have dealt with it in the budget speech and I have covered more or less the same ground while introducing the Finance Bill. I shall, therefore, confine myself to explaining its broad scope and incidence. Since the presentation of the Bill, a few amendments to widen the scope of the concessions and incentives provided in it have also been formulated. To these also, I shall refer while explaining the framework of the original provisions.

In the budget speech, I had briefly explained the circumstances . . .

Shrimati Renu Chakravartty (Barrackpore): A little louder please.

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*Moved with the recommendation of the President.

Shri T. T. Krishnamachari: I am speaking as loud as I can.

I had brieffy explained in the Budget speech the circumstances in which it was decided to discontinue the super-profits tax and to replace it by a tax that would have a generally lower and more equitable incidence and would be better adapted to the requirements of our policy towards private industrial investment. This policy, as it has been reflected in the various fiscal measures of the current Budget, has been explained on more than one occasion. But, I have, even at a certain risk of repetition, to refer to it once more since the rationale of the provisions in the Companies (Profits) Surtax Bill is again derived from the same set of objectives. Briefly, these objectives are that we see the need to generate greater savings in the corporate sector as one of the prime needs of the day. With greater savings, there should be an increasing plough-back of it for the purposes of industrial expansion and growth. There should not only be growth generally, but adequate investment should flow into those industries which have a high priority in our design for development. In the process of growth and alongside of it smaller units should be encourage in order to induce the diversification of ownership. Foreign private invetment needs to be attracted to some extent to improve our balance of payments and for the transferance of complex skills and know-how to Indian industry. It is in the light of this overall strategy, that I would appeal to the House to consider the Bill that I am placing before it.

The proposed tax is to be levied on the chargeable profits of companies, in excess of 10 per cent of the capital base or a sum of Rs. 2 lakhs, whichever is higher, at a uniform rate of 40 per cent of such excess profits. The levy at a uniform rate of 40 per cent is, in itself, appreciably lower than the two-tier schedule of rates that obtained in the super profits tax, namely, 50 per cent on the chargeable profits between 6 to 10 per cent of the capital base and 60 per cent on the balance amount. As I shall explain presently, the statutory deduction and the capital base are each of them more liberally computed in the new tax so as to bring about a generally lower and a more equitable incidence of tax.

The chargeable profits, for the purpose of surtax will be the total income of the company as computed under the Income-tax Act, exclusive of certain items of income and sums specifically exempted from surtax and further reduced by the income and super-tax payable by the company except on certain exempted items of income. As the chargeable profits are to be computed with reference to the total income, determined under the Income-tax Act, all the concessions available under that Act will, automatically, be available as deductions for the surtax also.

In addition, some of the main items of income and sums specifically exempted from this tax are profits of a life insurance business, capital gains, inter-corporate dividends which have been exempted from super-tax under the provisions of the Finance Bill, profits of newly established industrial undertakings attracting the five year 'tax holiday' under the Income-tax Act and charitable donations qualifying for income-tax relief. Consistent with the policy for attracting private foreign investment, income arising in India to non-resident companies by way of interests and fees for rendering technical services will also be exempt. Banking companies, whether Indian or foreign, will be entitled to a special deduction for the amount of the statutory reserves or deposits made with the Reserve Bank of India under the provisions of the Banking Companies Act or any reserves created by them in India (subject to certain limits), whichever is higher.

I must, however, add that the extra amount of super-tax payable by companies on their distribution of equity dividends, at 7·5 per cent of such

dividends, will not qualify as a deduction. The reason for this is clear as the object of the levy on dividends is to place a restraint on the distribution of profits and this objective has to be reflected in the surtax as well.

The statutory deduction in this Bill, as explained earlier, is 10 per cent of the capital base or a sum of Rs. 2 lakhs whichever is higher. It will be recalled that the corresponding deduction in the super profits tax was 6 per cent of the capital base or a sum of Rs. 50,000 whichever was higher. The effect of the more liberal statutory deduction in the present Bill will be that comparatively small companies or new companies whose profits before tax do not exceed 4 lakhs will not be liable to surtax at all. In other cases, the liability to surtax will be attracted only when their profits exceed 20 per cent of the capital base, including their long-term loan capital. As the surtax will, thus, be attracted only at comparatively high levels of profits and as its incidence will also be generally lower than that of the super profits tax, it has not been considered necessary to make a provision of carry-forward and set off of any deficiency of profits against the chargeable profits of subsequent years. This is, I am told, one of the basic defects that has been pointed out by industry. But that is the explanation for it.

I may further point out that as compared to the super profits tax, the statutory deduction is not only a higher percentage but a higher percentage of a larger capital base. The capital base for surtax will include not only the paid-up share capital and all reserves of a company, including the development rebate reserve, but also its debentures and the loans specified in the relevant rule in the Second Schedule of the Bill. The inclusion of loan capital, as specified, in the capital base will remove the discrimination against younger industrial units which has not built up adequate reserves and against units whose capital base included a large amount of loan capital. This discrimination was inherent in the capital base computation in the super profits tax and resulted in the somewhat anomalous effect that precisely those units which needed to build up adequate reserves felt a higher incidence of the tax, making it more difficult for them to do so.

I shall at this stage refer to the amendment which I propose to move to clause (v) of Rule I of the Second Schedule regarding the inclusion of certain borrowed moneys in the capital base. Under the existing provision, the moneys borrowed from a banking institution are includible in the capital base only if they are repayable in not less than 10 years and moneys borrowed from abroad are includible only if they are borrowed for the creation of any capital assets in India. None of these conditions are, however, applicable in respect of moneys borrowed from the Industrial Finance Corporation or the Industrial Credit and Investment Corporation of India or from ay financial institution approved by the Government. I now propose two main changes in these provisions. The first is to provide for the inclusion of moneys borrowed directly from the Government also in the capital base. The other change is to provide that borrowed moneys will be allowed to be included in the capital base subject, uniformly, to the conditions that the minimum term of repayment of such moneys should in all cases be 7 years and the purpose of the borrowing should be the creation of a capital asset in India. This liberalisation would enable medium term borrowings for creation of capital assets such as borrowings from the Re-Finance Corporation to be included in the capital base.

I must here clarify that as a corollary to the inclusion of borrowed moneys in the capital base, the interest payable on such amounts will have to be added back, as all interests are added back, to the chargeable profits in order to avoid a double deduction, namely, once in the determination of the assessable income with reference

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to which the chargeable profits are computed and again in allowing the 10 per cent deduction on the borrowed money included in the capital base.

In line with the general scheme of corporate taxation in the Finance Bill, a specific incentive has been provided in the Surtax Bill to encourage investments in priority industries. This is in the nature of a special rebate of 20 per cent of the normal amount of surtax payable by a company on any profits derived by it from the generation or distribution of electricity or the manufacture or production of the articles specified in the list of the Third Schedule to the Bill. This list is identical with the list orginally incorporated in Part IV of the First Scheme to the Finance Bill. The House will recollect that it has since approved certain changes in this list. These are, mainly, the inclusion of electronic equipment and petro-chemicals the deletion of coffee and rubber, the modification of the entry relating to electrical equipment and the inclusion of some new items, such as manganese ore, dolomite, mineral oil etc., in the entry pertaining to minerals. It is, consequently, proposed to move amendments for making similar changes in the list to the Third Schedule to the Companies (Profits) Sur Tax Bill in order to make it identical with the list in the Finance Bill as it has been finally approved by the House.

In the six weeks and odd that this Bill has been before the Parliament and the country at large, I am happy to notice that it has been generally well received. As I have explained today, the Bill is an integral part of the overall scheme of taxation embodied in the Finance Bill which the House has approved and has the same underlying objectives. I am, therefore. confident that this Bill will meet with the unanimous approval of the House.

Sir, I move.

Mr. Speaker: Motion moved.

"That the Bill to impose a special tax on the profits of certain companies be taken into consideration."

Shri T. T. Krishnamachari: May I know the time allotted for this Bill?

Mr. Speaker: 3 hours have been allotted.

Shrimati Renu Chakravartty: The Companies (Profits) Surtax Bill is replacing almost the super-profits tax which was introduced by the hon. Finance Minister's predecessor in office. The proposals made by Shri Morarji Desai were criticised very vehemently and rightly so. But during this year, the super-profits tax which he had imposed and against which there had arisen a huge furore right throughout the country is now being scrapped, and in its place the Companies (Profits) Surtax Bill has been brought forward.

The results of the working of the super-profits tax have been disappointing for revenue and encouraging for the bigger companies. That was why at that time also we had criticised it. But this super-profits tax was in force for one year only, and of course, we must say that what should have replaced it has not actually replaced it. Instead of that, we have now got the Companies (Profits) Surtax Bill which has made big business quite jubilant. Of course, I do not know what my hon. friend Shri M. R. Masani will say. He will probably want further reductions. There is no doubt about it.

Shri M. R. Masani (Rajkot): Wait and see.

Shrimati Renu Chakravartty: But I am quite sure that he will have to welcome this Bill because it will give a great deal of advantage to the bigger companies in place of the old super-profits tax Bill. Actually, neither the Excess Profits Tax Act of 1940 nor the Business Profits Taz of 1947 had given as many advantages

as the Companies (Profits) Surtax Bill is going to give now. As a matter of fact, in my own State, companies such as the Indian Aluminium, the Metal-box Co., Guest, Keen and Williams had either to pay no super-profits tax or had to pay only an insignificant amount. That was the position with regard to the super-profits tax Bill. We had wanted a tightening of that Bill. But now we find that even the super-profits tax has been watered down by the present Bill.

The rules for computing the capital of a company are already confusing. The present proposals—including the propoals which the hon. Minister has just now made, which I have not been able to catch; it is very unfortunate that we are flooded with certain new proposals at the very last minute—make it more confusing or will make the confusion worse confounded. But I could make out this much that the computation will be liberalised. Instead of the 6 per cent reduction on the paid-up capital and the reserves as per the super-profits tax Bill, the reduction envisaged in this Bill is as high as 10 per cent of the capital, reserves etc. And I believe that there will be further liberlisation as a result of the amendment which has been tabled. I could not gather everything, but I could make out this much that as a result of the new proposal, there will be a further liberalisation. It may be, as the hon. Minister says, that it will be better for the smaller companies. I am not in a position just now to give my opinion as to how far that will be true. But even that, I think, will be a Rs. 4 lakhs base.

Shri Alvares (Panjim): Below Rs. 2 lakhs.

An Hon. Member: That is already there.

Shrimati Renu Chakravartty: Now, the rates of surtax have been very considerably reduced. I think they are of the order of 40 per cent. I am comparing with the Super Profits Tax. It is 40 per cent on the amount by which the chargeable profits exceed the amount of the statutory deduction whereas the corresponding rates were 50 and 60 per cent. As we see from the papers, the companies in Calcutta and Bombay are inwardly jubilant, because they know that the incidence now will be considerably less.

The relief to the asseseees, especially to the bigger assessees, is admittedly also greater, and the surtax is designed not to bring in more revenue, but to give a misleading notion that their profits are being mopped up. It is very important that we must mop up their profits, but this giving of incentives has only led to further concentration. It is said that we want these profits for building up further capital base, for building up more reserves for further industrialisation and expansion, but actually what has happened is that there has been more concentration in the hands of a few.

This question of mopping up of their profits should have been foremost in the mind of Government, but instead of that, we have rather a relaxation, and that is why we are opposed totally to this further relaxation in the form of the Companies (Profits) Surtax Bill.

With regard to foreign capital also, there are certain specific incentives which have been given. I have made my position very clear when I spoke on the Finance Bill itself. As far as foreign capital, particularly private foreign capital is concerned. I consider that any further increase in this is going to have disastrous results politically for our country, as it would have for any other under-developed country. On this we are very firm, and we believe that in the course of the next few years, if we are going to open wide this gate to allow private foreign capital to come in, we shall be again forging the shackles of political dependence, but the Finance Minister just brushed it aside. Unfortunately, I was not here when he replied, I had to go out on some urgent work, but he just seems to have dismissed it and said: after all,

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I do not think it needs an answer, people know we will never barter independence. I think the people will have to have some better assurance, for a concrete understanding of past history will belie this expectation that the people are not worried already as to the trends they see with regard to the encouragement of private foreign capital, which will not only take away a lot of our own earned profits but will weild have a pernicious political influence on our country.

As a matter of fact, the Budget proposals for 1964-65 have given several tax reliefs both for domestic and for foreign investments, and one of the most harmful is the foreign investment will, also benefit from the exemption of inter-corporate dividends from super tax. Already, there is the case of the royalties; they are also going to be exempted from it. And the tax on technical services or fees is now reduced by 50 per cent. I have spoken on this, and again I say that there should be a further narrowing down of this definition of what you mean by technical services. We do not want that technical services which are available in India should get this tax exemption. As a matter of fact, I know that there are many people in Europe—a lot of people in England, I do not know about other places—young people who are anxious to come out to India because their terms and the conditions in which they will live here are much better than they would get in many places in their own country. Therefore, youngsters come out as technical advisers, as people who are going to give us technical services, while we find the greatest frustration among our young people, those who have got technical know-how, those who have gone abroad spending our foreign exchange for getting that scientific knowledge, because they do not get a chance after coming back. Only yesterday I think somebody was saying if it is white skin, naturally the technical services seem to be of a higher order according to some people. That is a slave mentality which we have to overcome.

If there is some now-how which we have not got, and there are so many fields where we do not have the know-how, certainly we can give it, but we should define it very specifically and the specific fields of technical know-how which we shall allow for this incentive should be clearly laid down.

With these words, I oppose the Companies (Profits) Surtax Bill.

Shri M. R. Masani: Mr. Speaker, today the House is somewhat in a position of an anti-climax after the debate of the last few days on the Finance Bill. One gets the feeling that yesterday one witnessed somebody being murdered, today one only sees the poor man's pockets being picked to see what the pickings are. In such a situation, all that one can do is to repeat one's protest both against the original crime and the petty thieving that follows.

It has been said that the Super Profits Tax has been scrapped. The previous speaker said so. On the contrary, it has not been scrapped. Only the name has been changed, and certain other changes have been made. The claim is made that this is better than the super profits tax. I agree. I think, taken as a separate measure, t is a better devised measure is more equitable. It distributes the burden wider. I do not at all deny that, measure to measure, it is a better devised measure. But the relief that this change gives will be limit to a number of companies which have been extremely hard-hit by the SPT. I am glad they will get the relief. On the other hand, many companies which had escaped super profits tax are now brought within the ambit; particularly section 104 companies which had escaped the earlier measure will now also share in the burden. Last year, Mr. Morarji

Desai, my hon. friend's predecessor had stated:

> "If the effect of the Super Profits Tax is to retard development and the growth of the corporate sector....then the measure would not be justified and I would be the first person to ask the House for a repeal of the provision."

The hon. Minister has stated earlier, speaking on the Budget:

> "There has been considerable criticism in respect of the super profits tax and the uneven nature of its effect on industry as a whole. The net result has been that it has produced a psychological resistence and has to some extent affected industrial growth."

One would have, therefore, expected that Mr. Morarji Desai's promise of repeal of that Act would have been carried out. But all that we find is replacement of that by a measure broadly the same.

The real point against this measure today—I am opposing the Bill as a whole—is that there is no case for a Surtax Bill. A Surtax Bill would only be justified in the level of profits and dividends were inordinately high. If one takes a cumulative view, one finds that the cumulative effect of the dividend tax of 7:5 per cent on all dividends, 10 per cent additional corporate taxation on small companies, and the capital gains tax on bonus shares combined, along with the estate duty and the gift tax and personal taxation, makes it more than certain that the already low level of profits dividends in this country will be further depressed.

I rely on the studies of the Reserve Bank of India to show that the level of profits and dividends is already low and that it does not justify this measure. These studies on the working of 750, 1001 and 1333 companies, covering respectively two-thirds three fourths and 87 per cent of the total paid-up capital of public limited joint stock companies operating in this country, shows that in the case of industries the percentage of dividends to net worth—that is, capital plus reserves, ranges between 4 per cent to 7 per cent giving an average of 6 per cent and the percentage of dividends to paid up capital varies from 7 per cent to 12 per cent yielding an average of 11 per cent. It also shows that a portion of the profits is distributed as dividend and that the balance is, in the form of enforced saving, retained in the business for growth and expansion. For all industries, the amount so retained is on an average 4 per cent of the net worth and 6 per cent of the paid-up capital. Out of the total gross capital formation of about Rs. 1150 crores beween 1951 and 1961, the internal resources of the companies covered by the Reserve Bank survey accounted for about 80 per cent of the total finances required.

Now, when the current rate of bank borrowing in this country is today anything from seven to eight per cent, when the debenture and preference capital cannot be easily raised at nine to ten per cent, can, by any stretch of imagination, equity dividends of six per cent on the net worth and 11 per cent on the paid-up capital, be called excessive or extravagant? The answer is a clear "No." And that is why there is no case whatsoever for this Bill being brought before Parliament today. It is the proverbial last straw which would break the camel's back.

If there be any awareness of the realities on the part of the Treasury Benches, they would have come today and said, "Stop; enough damage has been done by us; we will now drop this measure." But, of course, that would be too much to expect because, Sir, if I may say so, the country is today in the hands of economic quacks..

The patient suffers from low blood pressure. There is stagnation. There is anaemia. But the patient is now

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being treated for high blood pressure instead. It is just like a patient suffering from low blood pressure having leeches put on him to draw away the little blood that remains in him! This is the kind of treatment that this country is being today subjected to. The leeches that are let loose on the people to draw away their blood are the bureaucrats and the politicians in office: the new vested interests who work together; as I said, the combination of the Malaviyas and the Serajuddins who batten and fatten on the country today.

As I have said earlier, this budget as a whole, including this Bill, is an attempt at industrial conscription. It is an attempt at conscripting all the investible resources in the hands of the Government, just as in time of war all the blood and the lives of young men in the country are conscripted by the Government in defence of the country; in one cause it would be justifiable, because it would be for the defence of the country. But here it is not the defence of the country but the interests of these new vested interests, of corrupt businessmen and corrupt politicians working together.

Twelve months ago, my hon. friend's predecessor showed the same self-confidence, the same self-assurance about the effect that it was going to have, that was going to do to the country a great deal of service, by the SPT and by the Compulsory deposit scheme. We saw what happened within six months of those Bills. I regret that my hon. friend, the present Finance Minister, seems to be basically following, with slight deviations, in his predecessor's footsteps. I regret it, because he has the intelligence, as he has shown by Part A of his speech to understand what the real remedy is. He diagnosed low blood pressure. He says we must give a dose of stimulation and then what does he do? He puts leeches on the patients to draw away the blood! This contradiction between his own understanding of the situation and his own diagnosis and his treatment is what is really going to harm him in time to come and to harm the country, Both of which I would deplore.

The Planning Commission, I am told, I read just this morning in the papers are now engaged in an exercise; the exercise in which they are engaged is how to raise the rate of growth from the present miserable two per cent or there abouts to seven per cent, so that the targets can be achieved. Sir, I wish them luck. I wish we could raise the target to seven per cent. But these are not the men and these are not the measures by which the rate of growth can be sent up to seven per cent. Until this Government is changed, there is no hope of this two per cent going up to anything like three, four or five per cent, leave aside seven per cent, because of the mistakes that have been made are being repeated over and over again.

I shall be told that every country gets the Government that it deserves. That is broadly true, and no doubt in the coming twelve months, the whole country and all of us will pay for the mistake that the electorate made in 1962. But of all the classes in the country who made that mistake, the most culpable and the most criminal are large elements of our business classes. They had been amply warned; they knew what they should expect from this group of people with their Marxist dogma and their State capitalist pattern. But yet, the large bulk of them went and got on the band wagon and helped in returning this Government to power.

Shri Nath Pai (Rajapur): They have everything to do. Find out; just read that part of the Mahalanobis Committee's report, where every institution has been used for the benefit of big business in this country. They do not invest without knowing their benefit in return.

Shri M. R. Masani: I was going to say—I agree with Shri Nath Pai basically—a little before he interrupted me, that these elements in the business clases unfortunately in India they have been in a majority—they have put their immediate short-term interests ahead of their long-term interests and the interests of the country as a whole. They have tried to go in for the quick rupee, through permits and licences, rather than consider what kind of country their children will be growing up in, whether those children will be able to breathe the free air of a free society or would suffer as robots under a totalitarian dictatorship.

Shri Joachim Alva (Kanara): Some leading businessmen in India gave. 50 per cent to the Swatantra party.

Shri Nath Pai: 33 per cent.

Shi M. R. Masani: That is exactly what I was trying to say: even if a handful of them picked up that much courage, they had to re-insure by giving twice as much to their opponents that they gave to three friends! That is exactly what I am referring to. The fact is, with honourable exceptions, the bulk of the business class, including many honest business-men unfortunately along with the bad eggs, have been indulging in this very short term device of feathering their own nests and letting the interests of the country and their own fundamental interests go hang.

Year after year, we see the nauseating spectacle of these gatherings of businessmen meeting in Delhi in the month of March inviting for the inaugural address,—who? not their friends, but the Lord High Executioner as Gilbert and Sullivan would have called him—who goes every year and gives them a smart kick in the pants for which they pass a vote of thanks!

Shri Nath Pai: The present Finance Minister is an exception.

Shri M. R. Masani: This shows the servile and supine character of large elements of this class. We may say, let them catch it; they deserve it; I would agree. And if only the interests of a handful of these big businessmen to whom Shri Nath Pai referred were involved, I would be the last to shed a tear, but the fact remains that since we want capital formation, since we want to increase the rate of growth, the only way is for the first priority to be given to increased production and increased productivity. We need those people; we cannot do without them. In other words, free enterprise, such as it is, is an essential element in a free society. The alternative is communist dictatorship of the Chinese and Russian variety. So, that is why, whether they deserve it or not, one has to give them a fillip to collect the capital which the country requires for capital formation.

The majority of businessmen, as I insist, are good honest people. They are being led or misled by dubvious elements. It is time, after this budget, that they opened their eyes and asserted themselves and the businessmen with clean hands, who have nothing to hide, came forward and gave a correct lead to their class. This is now probably the last warning they have before they are liquidated. If they do not do it now, they will reserve what is coming to them. Let them even now realise their civic and political responsibilities. Let them realise what agree socity enjoins, what kind of policies they should follow and want the Government to follow, if their children and the children of all of us are to be free citizens in a free India.

I believe that the beginnings or the first signs of that awareness and education are visible. I would like to think that the debate that started on the 3rd March and ends today or tomorrow will have played an educative part in making our people aware of these harsh realities.

Shri Morarka (Jhunjhunu): Mr. Speaker, Sir, as I heard the hon. speaker who preceded me, I was a little surprised because I expected at least the hon. Member Shri Masani to say something about the merits of the Bill. He deal with mostly the generalities about corruption, about contribution to political parties, etc. The hon. Member, Shrimati Renu Chakravartty, said that this Bill is more soft, or much softer than the previous one, namely, the super-profits tax measure. That is true; the rates are reduced; the capital base is increased and its is sought to be made more rational. But, at the same time, she must remember two main provisions which existed in the previous Acts and which are now taken away in this one. The first one is that in the Super-profits Tax Act, there was a reduction of 10 per cent from the taxable total income or 20 per cent from the chargeable profits given before charging any super-profits. Even after determining the chargeable profits, the reduction of 20 per cent from those profits was given before any tax was charged. That was under the Super-Act, Now, under the new Act, that concession is removed.

The second special concession which has been removed as compared to the previous Act is the benefit of carried-forward losses. If in one year there was no profit or there was a deficiency, then it was taken to the next year i.e. the deficiency of the previous year was taken into consideration in the next year. But under the new Bill, that facility would no more be available. Each year taxes will be payable according to the profits made in that year alone.

Mr. Masani said there is no justification for this measure at all. I beg to differ from him. As he knows, there are the revenue needs for defence, development and also rehabilitation which is a new need; these needs have by no means disappeared or even reduced.

Shri M. R. Masani: Question I have explained how no additional taxation is necessary this year because of the inordinate expenditure of an unproductive kind.

Shri Morarka: The three major needs I have mentioned are there. They are not reduced; they are likely to increase in the near future. To that extent, there is full justification for this measure. After all, from which sector can these revenue needs be met? Our economy is mostly controlled by the corporate sector. Unless you increase the tax on the corporate sector, you are not likely to augment your revenues substantially. So, there is no escape, whether the Finance Minister likes it or not, from levying this tax for sometime to come.

Mr. Masani gave th averages which are worked by the Reserve Bank. They can be misleading sometimes. They are all right for judging the general economic conditions in the country. But when you consider particular tax proposals, the average can be misleading. The total average profits of the corporate sector may be 7 per cent. That 7 per cent may apply to 30,000 companies and it may apply to a paid-up capital of Rs. 1300 crores. But there are certain companies which may be making a profit of 100 per cent and other companies may be making 5 per cent profit. Then there are still other companies which might be making a loss. So, the averages are very misleading. Let me give an example. Under the surtax scheme, as compared to the super-profits tax, one company alone—I would not like to mention the name, though it has been published—is going to get benefit to the tune more of than Rs. 1 crore. That is a big company. So, can it be said that this Bill is not helping anybody or that this is going to tax the people to such an extent that even the 6 or 7 per cent which companies are making is

going to be wiped away? No, Sir. There are about 26,000 companies big and small. Some companies are making very huge profits and some small profits. This measure would be applicable only to those companies which are making big profits. So, there is rationale, there is justification in this taxation.

I want to have one or two clarifications from the Minister regarding the latest amendments which he has moved just now. He says that only those loans would be included in the capital base which are repayable during the period of not less than 7 years. From 10 years, he has reduced it to 7 years, which is more reasonable. Suppose there is a loan given and the first instalment of repayment starts after two years, the second instalment after three years and so on. The moment the first instalment becomes payable, would the loan be considered repayable or would it be considered repayable only when the last instalment is paid? This clarification is very essential because from the language of the amendment he has moved, this particular point is not clear.

The other thing is, this qualification of 7 years or 10 pears was applicable only to the loans taken from the banks. Under the new amendment which he has moved, this would apply to the loans taken from the IFC and ICICI and other institutions also. The difficulty is that these loans are given only for creating capital assets for new industries. Sometimes loans are not given for 7 years, but for 5 years only. Therefore, I feel that the loans given by IFC and ICICI which are definitely for the purpose of creating assets and are given to new companies for development purposes must necessarily form part of the capital base.

With these two suggestions, I support the Bill.

Shri M. R. Masani: Will you kindly indicate when the Minister will be called to reply, Sir?

Mr. Speaker: It is difficult to anticipate it in the present circumstances.

Shri M. R. Masani: It will be today. I suppose.

Mr. Speaker: Yes.

Shri Himatsingka (Godda): Sir, the provisions of the Surtax Bill as explained just now, are certainly better than the provisions in the Super-profits Tax Act. But some new elements have been introduced in this which keep away a large number of companies which would otherwise have benefited. Under the Super-profits Tax Act, the chargeable profits were calculated more or less on the same basis, except that the capital base has been slightly widened, but the interest payable on the loans is deducted. Therefore, there is no large benefit in the widening of the capital base. But at the same time, under the Super-profits Tax Act, there was the standard deduction of an amount equal to 6 per cent of the capital of the company as computed under the provisions of the second schedule or an amount of Rs. 50,000 that used to be included over and above the provision of 10 per cent of the profits. Taking both of them together, it was certainly much more than what is proposed to be allowed as 10 per cent of the capital base. Therefore, though the capital base has been widened, the chargeable profits have become a little more than what they were under the Super profits Tax Act.

As just now explained, in the Bill as introduced, under clause (v) of the second schedule, moneys borrowed from the IFC and other credit corporations were taken into account as capital base, whether they were for the purpose of creating capital asset or not and whether or not they were borrowed and repayable in less than 7 years or less than 10 years. There was no limitation as regards the period of repayment in regard to most of the loans from these corporations, except when money was agreed to be borrowed from any bank, when the question of 10 years was applicable. Similarly, moneys borrowed from any

[Shri Himatsingka]

person in a country outside India—in that case only the creation of any capital asset was required; not in the case of other loans. Therefore, there might be a lot of difficulty when this provision is going to be applied and the benefit that is intended to be given by the hon. Finance Minister may not be available to many companies when it it strictly interpreted.

The amendment that has been proposed, to my mind, makes the position still worse. Under the proviso to the first amendment, moneys borrowed have to be taken into account only when such moneys are borrowed for the creation of a capital asset in India and the agreement under which such moneys are borrowed provides for the repayment thereof during a period of not less than seven years. As has been indicated by Mr. Morarka, almost all the loans that are taken from these financial corporations begin to be repaid either in the second year or in the third year in any event. Whether those loans can be said to be under an agreement where the repayment thereof is during a period of not less than seven years in the point.

13 hrs.

I think, Sir, in the interpretation of this Act there will be a lot of difficulty. Not only there will be a lot of difficulty, but I think all these loans which begin to be repaid in less than seven years will all be excluded and, therefore, the benefit that is intended to be given will not be available to the companies unless that position is made clear. I, therefore, hope that position will be taken due consideration of.

There is one more point. In the Super Profits Tax Act there was a provision . . .

श्री यशपाल सिंह (कैराना) : अध्यक्ष महोदय हमारे वित्त मंत्री जी का इतना समय लग रहा है और बहुत महत्वपूर्ण सब्जेक्ट हम डील कर रहे हैं लेकिन फिर भी हाउस नहीं है ।

Mr. Speaker: The hon. Member may resume his seat. The bell is being rung—there is quorum, now. Then hon. Member may proceed.

Shri Himatsingka: I was saying that in the Super Profits Tax Act there is a provision—Section 5—which provided that where there is a deficiency in relation to any assessment year the assessee shall be entitled to relief in accordance with the provisions therein mentioned. That provided that if in one year a company made a huge profit and it became liable, if in the subsequent year it had not the chargeable profits and there was deficiency that deficiency was allowed to be carried forward, to be taken advantage of in the next year to be set off against that amount of the profits; that is to say, the deficiency was taken into account, the profit was reduced to that extent and the balance only was chargeable. That benefit is not being given. I feel that this should be allowed even this year because the Surtax Bill is merely, in a way, replacing the old Act by certain changes. Therefore, this salutary provision should be made there and that advantage should be available.

With these suggestions, Sir, I support the Bill.

Shri Alvares (Panjim): Sir, while presenting his economic survey for last year, at the very outset, the Minister for Finance had stated that there is a great need to mobilise all savings and to step up the collections for this purpose. He said it in the context of the continued Chinese aggression and in order to fulfil our economic needs in the country. I think it was in that context that the Super Profits Tax was initiated and it paid good results. Sometime later

the Minister himself characterised the economy as buoyant, and the super profits tax lent support to this assessment because in the first year the income from the super profits tax was Rs. 20 crores and in this financial year it was expected to be Rs. 25 crores. I am sure, if the collections are made as seriously as he has promised the House, it will be more than Rs. 25 crores in this current financial year.

I do not understand why, when the super profits tax is obviously justified looking to the state of economy, looking to the fact that there are super profits made by the corporate sector, it should be substituted by the Companies (profits) surtax Bill. As Shri Morarka has said, it is obviously a relaxation when compared to the Super Profits Tax Bill. While a there is a slight intensification in regard to the chargeable profits, the Minister himself has admitted that in respect of statutory deductions and the computation of capital costs he has conceded a great amount of liberalisation so that the corporate sector is able to find some relief by the introduction of this Bill.

Now, the point is this. In Part (2) of his speech in introducing the budget, the justification for the substitution of the Super Profits Tax Act has been made out, that it had some adverse effect in certain sectors of the economy. Today, when speaking this morning, he talked of two other reasons. One is the need to mobilise savings and the other need is to create a climate for investment. Savings, Sir, there were. The super profits tax yielded Government Rs. 20 crores last year and the expectation is that it will yield Rs. 25 crores in the current financial year. These are by the savings in the hands of the Government. What is proposed Companies (Profits) Surtax Bill is to reduce the quantum of this Rs. 25 crores available directly and exclusively to Government for investment, and to pass on a part of this amount into the hands of the corporate sector—that is, in the hands of the private sector—for the purpose of investment as they like.

The important point for consideration is this. If the economic survey had made out this important fact that there is a need for Government to mobilise all resources for meeting the aggression by the Chinese and to build the economic base in this country and the super profits tax was introduced within this context, I cannot understand how it is logical that the super profits tax is substituted by a more liberal provision in the companies (Profits) Surtax Bill?

Therefore, we must now ask this question of the Government, what does the Government propose to do and why has it done this. There is one, naturally, the main point for consideration and that is this, that the Government by an act of deliberate policy is making life more pleasant for the corporate and the private sector. Therefore, Sir, to that extent the Government is depriving itself of assured and guaranteed revenues to the extent of Rs. 25 crores which it would have had for itself.

13.08 hrs. ..

[SHRI SURENDRANATH DWIVEDY *in the Chair*]

There are one or two questions which I would like to ask of the hon. Finance Minister before I can agree to give support to this Bill. The first is, while the Government divests itself of this assured income from super profits tax and passes on a large amount of relief to the private sector in the shape of corporate dividends, will the hon. Minister assure this House that he will adopt countervailing measures by which that investment which the Government would have made through the investment of these Rs. 25 crores available from the super profits tax, he will make through compulsory investment by the private sector? In other words, if the Government had a programme of investing these Rs. 25 crores from the super profits tax on certain projects, on certain develop-

[Shri Alvares]

mental works, will he agree that he will also make it compulsory that whatever money the private sector makes as a result of the relaxation through the Companies (Profits) Surtax Bill is invested in those projects that the Government had in view? Otherwise, the result will be that the Government will find itself short of revenues and the private sector will have a large amount of money by which it can invest at its own sweet will without relation to the priority economic development.

The second assurance that I would like to ask is this. While speaking on the Finance Bill, I had suggested that the Minister is preparing a climate for the invitation of foreign capital into this country. I see in the Companies Profits Surtax Bill such a provision actually made whereby a climate has been created, a climate has been assured that a large amount of profits which hitherto went to the government through the levy of super-profits tax are now available for retention by the private sector, and in the circumstances in which this is made I have no doubt that it is an invitation to foreign capital by creating a suitable climate. The recent method by which the Finance Minister has made this thing all the more inviting is by including a number of industries that are listed in rule 8 of the Industries (Development and Regulation) Act in the Second Schedule. Therefore, by these two methods, by the relaxation and by extending the Companies Profits Surtax Bill to a larger number of basic industries than are hitherto exempt to pay super profits tax, the government has made an overture to the private sector to come forward. Now, I have no objection to this provided the government will insist that whatever investment it would have made in specific industries will be carried forward by the private sector in those very industries; otherwise, it would mean that government is divesting itself of necessary revenues and then seeking foreign aid at very unfavourable terms, at the same time, allowing the private sector to expand at its sweet will.

I hope the government will be able to give these clarifications and we can then decide our attitude in the second reading of the Bill.

Shri K. C. Sharma: Mr. Chairman, I am rather surprised and pained at the performance of my esteemed friend, Shri Masani. As a lawyer I have experience enough to categorically state that abuses never make any arguments. They are hardly convincing. No lawyer who took to hot words or abuses—perhaps, abuses are not permissible in a court of law as they are here—has ever raised himself to the reputation of an eminent lawyer in that learned profession. What is true about a court of law and a lawyer should apply equally, perhaps with much more force, in the case of Parliament and politicians.

The position is that we have to face three difficult situations. One is war. With regard to war three important factors are to be taken into consideration. One is soldier—a large number of soldiers. We know that the Chinese had the largest number of soldiery in the world. From the early 18th century Napoleanic war to the 1951 limited Korean war, it has been proved that a country with a well-equipped army of trained soldiers is not able to inflict the heavy blows on twice the number of invading armies. Taking this fact into consideration, it is necessary, rather it is imperative that a large number of soldiers must be recruited. A large number alone counts quite a lot. From 321 BC of Alexander's time to the Hitler's time of the present day it has been proved that men in relation to weapons and equipments count in the proportion of 3: 1 if their morale is high. Therefore, we cannot ignore the importance of the number of soldiers, and increase of soldiery means money.

The second question is equipment, third technology and fourth war industries. How were the countries fighting during the first and second world war? The two great countries, England and France fought their wars mostly on gold and foreign securities. Foreign securities and gold are two sources for industrialised countries or developing countries to make enough investment for war preparations. But India, unfortunately placed as it is, has hardly any foreign security and though gold is hoarded in large quantities, the primitive sentiment for gold as we have, we are not going to part with it. So, taxation is the only alternative left to government I do not want to dilate on war industries because it is a proposition which has been discussed so often in this House.

13.16 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

The second problem facing the government is the rehabilitation of refugees. When Germany was confronted with this problem, a capital levy to the extent of 50 per cent was imposed on special properties. The result was that the German refugees that came from Poland were as good citizens in no time as any German in his native land. Here, on the other hand, people come and they are thrown on the land. Some die; some take to ordinary occupations and the most unfortunate of them take to what is called subsistence agriculture. This subsistence agriculture is practically dying a long time; the man goes on starving till disease brings death nearer and he passes away. That is no solace to anybody who walks hundreds of miles under most miserable conditions. In order to avoid the instataneous death, they take to slow poisoning death.

If those refugees are to be rehabilitated, some new industries have to be started. So, my respectful submission is, as I told elsewhere, if we mean business, we have to take advantage of the best technological and organisational expertise and make large investments in industries to rehabilitate the refugees and help the economy of the country and thereby help the unfortunate victims of the inhuman violence by the human beast.

The third situation which we have to face is in regard to our economic development. India stands at a place in the economic development. development which needs what is called big push investment. Now is the time when we invest large sums of money for the industrial progress. Otherwise, with a growing population India is doomed to failure. With a large population of 450 million people, with large areas of land, with a great history behind it and great leadership leading the country, this failure would be inexcusable in history. So, my respectful submission is, whatever the fault here and there might be, the will is there and money is required to meet the difficult situation that the country faces today.

With these words, I support the Bill.

श्री बड़े (खारगोन) : माननीय उपाध्यक्ष महोदय, इस कम्पनीज सर टेक्स बिल का जब मैंने अध्ययन किया तो मेरे को ऐसा प्रतीत हुआ कि सुपर प्राफिट्स टैक्स का ही दूसरा नाम कम्पनीज सरटेक्स दिया हुआ है । केवल स्लैब बदला है । जो पचास परसेंट या ६० परसेंट प्राफिट टैक्स था वह सरटैक्स ४० परसेंट कर दिया है । केवल दस प्रतिशत: कम कर दिया है । कोई खास फर्क इस से पड़ा नहीं है । जैसा का तैसा ही खाली नाम बदल दिया है । बाकी प्राविजंस वैसे ही हैं केवल शब्दों का उलटफेर कर दिया है ।

जब हमारे वित्त मंत्री जी अपनी बजट स्पीच दे रहे थे तो उस में उन्होंने यह कहा था कि सुपर प्राफिट्स इंडस्ट्रीज के लिये काफी घातक है । उन्होंने कहा था :—

[श्री बड़े]

"Speaking on Super Profits Tax in para 51 of the budget he has stated as under:—

'There has been considerable criticism in respect of the Super Profits Tax and the uneven nature of its effect on industry as a whole. I understand that some of the corporate units with a large capital base have not been unduly affected by the Super Profits Tax as it is at present framed while some have to bear a much larger share of the burden. The nett result has been that it has produced a psychological resistance and has to some extent affected industrial growth.' "

सुपर प्राफिट्स टैक्स से भारत में इंडस्ट्रियल होथ एफैक्टेड हुई है, रिटार्ड हुई है और कम ग्रो गयी है । यह तो आप मानते है कि सुपर प्राफिट्स टैक्स को स्मूथ करने के लिये आप ने सुपर टैक्स कुछ कम कर के सरटैक्स लगा दिया है । लेकिन मेरा विचार है कि सरटैक्स लगाने से इंडस्ट्रीज को पूंजी नहीं मिलेगी और परिणामस्वरूप इंडस्ट्रीज की ग्रोथ नहीं होगी । मैं वित्त मंत्री जी से पूछना चाहता हूं कि आखिर वे प्राइवेट सैक्टर की इंडस्ट्रीज को जिंदा रखना चाहते हैं या नहीं । अगर वे चाहते हैं कि प्राइवेट सैक्टर में भी इंडस्ट्रीज पनपें तो इसके लिये काफी उनको पूंजी मिलनी चाहिये नहीं तो साफ साफ कह देना चाहिये कि हम उनको पनपते देखना नहीं चाहते हैं । यह इस तरह से धीरे धीरे ब्लड इस्कुईज करने से क्या फायदा है ? उनसे ज्यादा की पूंजी टैक्स के रुप में लेने में उनका परसीक्यूशन होता है ।

विवियन बोस कमिशन ने अपनी रिपोर्ट में कहा है कि कुछ कम्पनियों में मिसमैनेजमेंट है, करप्शन है लेकिन उसका यह मतलब तो नहीं हो जाता है कि सभी कम्पनियों में ऐसी गड़बड़ है और इस तरह से सूखी लकड़ी के साथ गीली लकड़ी को भी शासन द्वारा जलाना ठीक और उचित बात नहीं है । यह सही हो सकता है कि जैसा कि बोस कमिशन ने कहा है बहुत सी कम्पनियों ने मिसमैनेजमेंट करके प्राफिट्स अपने हिस्से में डाल लिये हों लेकिन सब को एक दम से कंडैम कर देना तो ठीक नहीं होगा । विवियन बोस कमिशन की क्रिटिसिज्म से यह तो नतीजा नहीं निकाल लेना चाहिये कि तमाम की तमाम कम्पनियां ख़राब हैं । मैं इस बात से इंकार नहीं करता कि शासन को उन पर नज़र रखनी चाहिये । मैंने इंदौर में देखा है कि जो मिलमालिक हैं, मैनेजिंग हाउसेज हैं वह कितना प्राफिट अपने निजी हिस्से में रखते हैं । मुझे यह भी मालूम है कि कम्पनी के खर्चे में उनके आने जाने का खर्चा वगैरह, मोटर का खर्चा आदि सब खर्चे शामिल होते हैं, इस तरह की जो गड़बड़ या अनियमिततायें होती हैं उन के लिये शासन को कम्पनियों पर अवश्य नज़र रखनी चाहिये । शासन को इसके लिये सतर्क रहना चाहिये कि कम्पनियों की पूंजी बढ़ती ही रहे । जिस तरह शरीर में नसों द्वारा रक्त का संचार होता रहना जरूरी है उसी तरह से कम्पनियों की वैस आफ वैल्थ में पूंजी का सरकुलेशन होते रहना जरूरी है । अगर शरीर के अन्दर खून का संचार होना बंद हो जाय तो शरीर मृत हो जायगा, देह निर्जीव पड़ जायेगी उसी तरह से अगर कम्पनियों में पूंजी का सरकुलेशन न हो, पूंजी बढ़ती न रहे तो कम्पनियां भी उसी प्रकार से मृत हो जायेंगी ।

कम्पनीज की एक रिपोर्ट आई है । उसमें लिखा है कि ७३·०२ परसेंट कम्पनियां पिछले पांच साल में लिक्वीडेशन में आ गयी हैं । इससे प्रतीत होता है कि कम्पनियां कितनी कठिनाई में हैं ? दरअसल बात यह है कि जो इनकमटैक्स आफिसर्स होते हैं वे कम्पनियों के मैनेजमेंट को हमेशा जौंडिस की आई से देखते हैं । वे हमेशा इसके लिये चिंतित रहते हैं कि उनका हिस्सा किस तरह

से बरक़रार रहे और संभव हो तो वह और भी बढ़ सके। इस वास्ते मैं कहता हूं कि हमें मनीलेंडिंग में जितना फ़ायदा होता है, दूसरे बिजनेस में जितना फ़ायदा होता है उतना फ़ायदा कम्पनियों के कारोबार में होना चाहिये वरना कम्पनीज में वे पैसा इनवैस्ट नहीं करेंगे। अगर इसमें फ़ायदा न हुआ तो पूंजीपति कम्पनियों के कारोबार में पैसा इनवैस्ट नहीं करेंगे। शासन को इस ओर गम्भीरतापूर्वक ध्यान देना चाहिये।

हमारे माननीय वित्त मंत्री इस मामले में ऐक्सपर्ट हैं और उनके दूसरे सेक्रेटेरियट के सेक्रेटरीज वगैरह भी इस सम्बन्ध में ऐक्सपर्ट होंगे। मैं उतना ऐक्सपर्ट तो नहीं हूं ताहम मेरा जो भी अनुभव है उस के आधार पर मैं यह कह सकता हूं कि इनकमटेक्स आफिसर्स का उन के लिये जो टैक्स का एसैसमेंट होता है वह बहुत कड़ा होता है और वह एसेसिंग आफिसर्स उन को जौडिस आई से देखते हैं। उसके लिये इस कम्पनीज (प्राफिट्स) सरटैक्स बिल में जो प्राविजंस रक्खे हैं वह इस तरह के हैं कि इनकमटैक्स आफिसर्स जो भी चाहे कर सकते हैं और लैवी कर सकते हैं। पेज १५ पर ऐसा लिखा हुआ है :—

"any expenditure incurred on account of commission, entertainment and advertisement, to the extent such expenditure, in the opinion of the Income-tax Officer, is excessive having regard to the circumstances of the case:"

इसमें एसेसिंग आफिसर के लिये कहा गया है कि वह सरकमस्टांसेज और परिस्थितियां देख कर कमिशन, इनटरटेनमेंट और ऐडवरटिजमेंट्स के लिये खर्चा कम या ज्यादा करेंगे। उनको उस सम्बन्ध में कुछ भी अनुभव नहीं है और मेरी समझ में इस प्रकार का उनको एक डिस्क्रिशन देना यह करप्शन और भ्रष्टाचार को इंसेंटिव देना होगा। उस इनकमटैक्स आफिसर को आखिर कोई प्रैक्टिकल नौलिज तो होती नहीं है और इस लिए वह सही तौर पर कैसे अंदाजा लगा सकता है कि कमिशन, इंटरटेनमेंट या ऐडवरटिजमेंट पर कितना खर्चा उचित है और जो दिया गया है वह कम होना चाहिये याकि ज्यादा होना चाहिये। उनको क्या पता हो सकता है कि धंधा किस प्रकार से चलता है। वह तो एक अंदाजे से लगा देंगे कि इतना खर्च होना चाहिये और इतना खच नहीं होना चाहिये था। आज कौन नहीं जानता कि यह ऐडवरटिजमेंट का युग है? जब तक आप ऐडवरटाइजमेंट नहीं करेंगे तब तक उद्योग धंधे नहीं चलेंगे।

जैसा कि मैंने अभी कहा इसमें यह लिखा हुआ है :—

"any expenditure incurred on account of commission, entertainment and advertisement,"

अब जो इनटरटेनमेंट पर ऐक्सपेंडीचर इनकर करने के बारे में लिखा हुआ है तो यह तो ठीक है कि इनटरटेनमेंट के ऐक्सपेंडीचर पर शासन नजर रक्खे। लेकिन मैं आपको बतलाऊं कि कम्पनियों के गवर्नमेंट अफसरों को इनटरटेन करना पड़ता है। अगर वे गवर्नमेंट अफसरान को इंटरटेन न करें तो वे उन अफसरान का कोप भाजन बनती हैं और परेशानी में पड़ जाती हैं। इसी तरह ऐडवरटिजमेंट पर खर्च होने की बात है। उसके लिये इसमें कहा गया है वह देखेगा कि ऐडवरटिजमेंट पर और कमिशन पर खर्चा उचित है या अनुचित है और वह अपनी समझ के अनुसार उसको कम या ज्यादा करेगा। मेरी समझ में इस तरह से इनकमटैक्स आफिसस के हाथों में जरूरत से ज्यादा पावर्स शासन देने जा रहा है। एसेसिंग आफिसर

[श्री बड़े]

का आपने फाइनेंस बिल में भी इस प्रकार का प्राविजन रक्खा है। कम्पनीज (प्राफिट्स) सरटैक्स बिल में भी उसी प्रकार का प्राविजन रक्खा है। जिस तरह का उसमें लूज प्राविजन है वही लूज प्राविजन इसमें भी मौजूद है। अब जहां तक ऐडवरटिजमेंट पर होने वाले ऐक्सपेंडीचर का सवाल है तो मैं कहना चाहता हूं कि कांग्रेस का अस्तित्व ही ऐडवरटिजमेंट पर है। ऐडवरटिजमेंट करके ही वह वोट कमाती है। इस लिये मैं समझता हूं कि इसमें जो यह प्राविजन रक्खा है :—

"to the extent such expenditure, in the opinion of the Income-tax Officer, is excessive having regard to the circumstances of the case:"

What is the criteria for forming the opinion?

तो हो सकता है कि इनकमटैक्स आफिसर सरकमस्टान्सेज आफ दी केस को अपने ढंग पर समझ कर यह समझे कि वह खर्चा ज्यादा हुआ है जब कि वास्तविकता यह न हो। मेरी समझ में इस तरह की डिस्क्रिशनरी पावर देना ठीक नहीं है। एक अपने तौर पर यह कहे कि वह ज्यादा हुआ है और दूसरा कह सकता है कि

the circumstances are different. There is no criterion for "having regard to the circumstances of the case".

इस तरह की लूज वरडिंग होने से करप्शन बढ़ता है। इस तरह की शब्दावली रखने से और इस तरह की डिस्क्रिशनरी पावर्स देने से जो कम्पनीनियों के मालिक हैं, जो उनको चलाने वाले हैं वह हमेशा उन आई० टी० ओ० की मर्जी पर रहते हैं, हमेशा इनकमटैक्स आफिसर्स की मर्सी पर रहते हैं और जैसे भी हो ग़लत सही उनको उन्हें खुश रखना पड़ता है। यदि आप देश में मिक्सैड एकोनामी चलाना चाहते हैं, देश में पब्लिक सैक्टर के साथ प्राइवेट सैक्टर को भी यदि आप जिन्दा रखना चाहते हैं तो they should not be at the mercy of Government Servants.

तीसरे शैडयल का मैंने अध्ययन किया है। उस में यह शब्द रक्खे गए हैं :—

"On the amount by which the chargeable profits exceed the amount of the statutory deduction— 40 per cent

Provided further that if the Central Goveranment, having regard to the stage of development of any industry and other relevant factors, considers it necessary or expedient so to do, it may, at any time by general or special order withdraw the benefit conferred by the preceding proviso in respect of the business of generation and distribution" etc.

कम्पनीज को ४० परसेंट का डिडक्शन दिया है। लेकिन उसके संग पेज १८ पर कम्पनीज को जो छट दी है वह सब पब्लिक सक्टर की कम्पनीज को ही दी गई है। उस छूट में प्राइवट सक्टर को कुछ कम्पनियां आ सकती हैं।

इसके अलावा उस सैड लिस्ट में कुछ आर्टिकिल्स दिये गये हैं और यह कहा गया है कि अगर सेंट्रल गवर्नमेंट ऐसा जरूरी समझती है तो वह किसी स्टेज पर भी स्पेशल बनीफिट विड्रा कर सकती है क्योंकि गवर्नमेंट की ओपीनियन में उनको यह बेनीफिट् दिया जाना जरूरी न समझा जाय।

"The list of articles referred to in paragraph 1 shall be as follows:—
Iron and steel. . . .
Aluminium . . . . . .
Coal . . . . . .
Industrial machinery .....
Boilers . . . .
Equipment for the generation . ..
Machine tools. . . ." etc.

इसके अन्दर प्राइवेट सैक्टर की कई कम्पनीज आ सकती हैं लेकिन हमारे वित्त मंत्री महोदय का ध्यान तो कुछ विशिष्ट कम्पनियों जैसे मोफत लाल, बाटा, और बिड़ला की ओर ही रहता है। इन दो तीन इंडस्ट्रीज को वह समझते हैं कि एनक्लूड होनी चाहिएं बाकी एक-

सक्लूडेड रहनी चाहिए। जैसा कि आप की स्पीच में इस बारे में ठीक ही लिखा है :—

"The net result has been that it has produced a phpsychological resistence and has to some extent affected industrial growth."

जाहिर है कि अगर इससे इंडस्ट्रियल ग्रोथ एफ्क्टेड होती है तो उसे वापिस लेना चाहिये इन्हीं शब्दों के साथ मैं पुनः कहना चाहता हूं कि इसमें जो लूज़ वरडिंग्स इस्तेमाल हुई हैं वह नहीं होनी चाहिये। वित्त मंत्री महोदय को इसका निश्चय कर लेना चाहिये कि आखिर उनको कम्पनियों को देश में जिन्दा रखना है या नहीं और अगर उन्हें उनको जिन्दा रखना है तो क्या पालिसी गवर्नमेंट को उस सम्बन्ध में होनी चाहिये। मुझे आशा है कि वित्त मंत्री जी इन बातों की ओर ध्यान देंगे और इस तरह के लूज़ वरडिंग को हटा देंगे। जो भी हम रूल्स बनायें वह अच्छे और साफ हों, वैगनैस उनमे न हो।

Shri Heda (Nizamabad): Mr. Deputy-Speaker, Sir, even Mr. Masani had to admit that the present Bill is an improvement on the previous Act, that is, the Super Profits Tax Act. In fact, it is not only a little improvement but it goes a long way and, therefore, one has to take congnizance of it. Whenever you think of these taxation measures, generally two factors come up for consideration. One of the factors was already referred to by the very first speaker, Shrimati Renu Chakravartty, that is, the effect of the taxation proposals on the inflow of the foreign capital. Of course, for different reasons or for obvious reasons, she was not of opinion that any foreign capital should come to India. She said that whatever has come is enough. But the country, as a whole, differs from her view and we very much welcome the inflow of the foreign capital. Now the question is: What would be the effect of the foreign capital inflow by this or other similar measures. The super profits tax was a great blow but even then the foreign investors had appreciation of it because of emergency: We were attacked by China and that emergency still continues. In spite of the super profits tax, the foreign capital inflow continued and I am quite certain that the climate is still good and the climate will continue to be good. But the point is that the complex system of the taxation measures, rather than the quantum of the taxation measures, is a factor that is considered by the foreign collaborators and from that angle we should give consideration to this factor.

Another factor mentioned during the debate was about the terms of the foreign collaboration. There is already a provision that whenever there is a foreign collaboration, the agreement is routed through the Ministry and unless they okay it, no Indian collaborator can have any agreement that he likes with the foreign collaborators. This is a very big development and a great improvement. But even then it is not enough. I think there is still some room for it. Before this factor was there, the collaborations were very much adverse to our national interests. But today it is not so. I think still there is room for improvement. We have got very high officials dealing with the commercial and economic aspects in Europe, in America and in U.K. and one of the jobs that should be entrusted to these high officials—they are called Secretary-Generals or Ambassadors or what not under different names—should be to help the Indian collaborator in getting best terms, in giving the latest information and they should maintain their own relations with the big industrialists in the foreign countries and try to find out their mind and thereby, in a way, be a friend, guide and philosopher to an Indian *entrepreneur*.

The other factor that can be considered—it was not referred by the previous speakers—is about the money market. The position of the money market today is very tight. In fact, we cannot get any loan on even 12 per cent. There are persons who are

[Shri Heda]

even prepared to get the loan at the rate of 18 per cent. So the position of the money market is becoming more and more tight. The various financial corporations and funds are minting money and the hire-purchase system also is minting money. So, the question is, when there is such a tight position in the money market, how can you expect that the corporate sector would be able to attract the money, the investment, from the general public? It is very difficult to say that. That is one other aspect. When you think of these types of measures, you have to consider that aspect also. I think that aspect has not been considered properly. So far as the present Bill is concerned and its provisions are concerned, I have not much to say except that I would like to elaborate the point made by my hon. friend Mr. Himatsingka. He said that while the capital base has been broadened—and that is a good thing—at the same time the losses of the last year are not allowed to be adjusted with the profits of the present year. Every year is taken separately and every year is taxed accordingly. This goes gainst an encouragement to the small companies. It goes in favour of individual enterprise. Suppose I for one would like to work in two or three companies. What would be the result? Suppose in one company I lose the money and in another two companies I make the money. In the companies where I make money, it will be taxed according to the profits and in the company where I lose there will be consideration. Instead of that, if I run all these three companies as my private or individual business, the loss of one business would be off-set by the profits in other businesses and, therefore, this provision goes contrary to giving encouragement to the corporate sector over the individual enterprise. From that angle, I think, there is room for consideration and what the former provisions were there should be there.

One more word, though it is not very relevant to this, about the dividend tax. To tax every dividend, even 1 per cent or 2 per cent or 3 per cent is not a proper thing. I think, the hon. Minister, when the proper time comes, will give consideration to it. I express it here only because one is not certain whether one gets an opportunity every time or not. Only the dividend which is higher than a particular level may be taxed. With these words, I support the Bill.

Shri Joachim Alva: Mr. Deputy-Speaker, Sir, technically I support this measure of a special tax on the profits of some companies. But I would like to know from the hon. Finance Minister whether he has availed of all the available measures which are at his command. The Finance Minister is a powerful individual by himself and also in the Ministry and the Ministry is the king-pin of all the Ministries. I want to know whether he has looked into every Ministry and plugged the loopholes so that our finances may not be wasted, finances may not be exploited and our money may not run down the drain and thereby there would have been no need even to bring forth this measure. Secondly, I also want to know in what way the foreign climate is going to be more and more favourable for companies to come into India. We welcome companies coming to India where foreign collaboration is very, very essential,—whether it be of the Americans or the Russians or the Germans or French or the Japanese or the Rumanians or the Polish—they all helped us—and we are grateful to them all. But if we open this door of collaboration even for hotels, then I would declare that we must bang it. We welcome this tax if it means that we are going to get in additional money after plugging all the loopholes. I am recalling an instance of the great fight that Lord Curzon and Sir Wintson Churchill had in an earlier British Cabinet. Lord Curzon was looking after the

Foreign Office and Churchill was running the so-called dominions or the colonies. One looked into each other's territory and the other resented it and very serious correspondence passed between the two Ministers which the then Prime Minister, Llyod George had to settle. I have not got the book here—I forgot to bring it today—in which there are very serious allegations made by one against the other. Each one said, "I do not come into your territory unless it crosses my border and you do not come into my territory unless it violates my border." So, it went on like that! The purpose of this is that the Finance Minister has the right, if it is a tolerated British Cabinet practice that one Minister looks into the other's territory, and I would like him to look into the Agriculture Ministry, stop the imports and keep the money going into our treasury. I want to ask him whether he has used this weapon to see that he shall not honour the over-drafts of the States and that the money shall not be thrown out of the treasury on the States Ministers coming from one part of the country into another State needlessly and into the capital and even some of them going to Congress sessions at State expense and all that—I say that with all the respect to Congress members. When he has plugged all the loopholes, not lakhs but a few crores of rupees can be saved for the treasury. The Finance Minister can exercise the authority of looking into his next door territory, the Agriculture Ministry, to see whether we can stop imports and save crores of rupees which are going for transport charges of foreign tankers and foreign supplies. Even after 15 years of effort, we have not put the agricultural production on the proper front.

Here is the story about Burma. If they can produce a second crop every year, Burma will be overflooded with money in the sense that they will be able to supply rice almost to the entire world. They say "we have one crop already and we are satisfied with that and we do not have to work for more." Here in India we are not doing the first crop properly. You know the situation in regard to sugar. Ordinary people cannot get sugar easily in Delhi right now!

The Finance Minister and his Ministry must look to the work of the Agriculture Ministry and impress upon them that they should do their part of work so well so that we have enough of money at our disposal instead of borrowing all the time.

Coming to the point of foreign investment—foreign collaboration—as I said, even in regard to hotels, there is already a first class hotel run by the State in India. A senior Secretary of Finance Ministry presiding over the Ad Hoc Tourism committee said that Hilton Group and other groups of foreign hotels should run and manage new hotels in India. Long long ago, the late Jamshedji Tata who was turned out from a hotel in Bombay on grounds of colour, soon after started running the Taj Mahal Hotel. There are a few hotels like this in India. We can take up young men and women and train them up by sending them abroad. Ashoka Hotel is one of the best hotels in the world. For Rs. 55|-, you can have four big meals and all the amenities in the world. I have lived in London in Grosvenor House, where I could not get tea after five whereas here in Ashoka Hotel for Rs. 55|-, you can have four solid good meals. Waldof Astoria, New York's best hotel is a dark dingy spot. We should not permit anyone to carry away lakhs and lakhs of rupees from here. Apart from this, we cannot allow foreigners to run hotels owned by our Government. We cannot allow the case of Walcott's escape to be repeated at our airports. We want more rooms and more hotels. Government can start giving development loans by which the money could be utilised to build new hotels and thus keep the money for us. You know in Russia, they had the largest number of American tourists in 1958 as their foreign tourists,—nearly forty thousand American tourists cannot demand in the Soviet Union that they

[Shri Joachim Alva]

must have American hotels to live in. Why should we pamper foreigners in our country when others are not pampering them? We want Americans to come here; we will be happy. Give them all facilities, but we need not get Americans to run new Government hotels and transfer the profits.

I hope the Monopoly Commissior. will do something right and plug all loopholes and shall not be like the Press Commission whose main recommendations are still not carried out. Mr. Justice Rajadhyaksha was the Chairman and my friend, Mr. Chawla, was the Secretary of this Commission After submission of the report, I met Mr. Justice Rajadhyaksha and told him that he was looking fine. But, vithin fifteen days thereafter, he died of heart failure. He did very hard work. The Commission did a grand job but their main recommendations have been put in the pigeon-hole for so many years. I hope the falt of the Monopoly Commission will not be like that though more important recommendations will come out of their labours.

Mr. Deputy-Speaker: The hon. Member's time is up.

Shri Joachim Alva: I shall take five more minutes.

Mr. Deputy-Speaker: You should speak about the Bill.

Shri Joachim Alva: I am speaking about the investment climate. I hope the Finance Ministry will plug all the loopholes to see that money is not taken outside India. Coming to the companies, we need not at all impose special tax if all these things I have narrated are fulfilled. People have been fooled about having a people's car. The Parliament has been kept in darkness about this. When the Deputy General Manager of the Hindustan Aircraft says that they could produce a car worth Rs. 5000|- with 20 per cent imported components only, we go on paying Rs. 15,000|- for a car. I want the Americans to come here and I have great respects for them. We have done something in regard to banking which will not be right. We have already the National City Bank of New York in several places in India. The Bank of America will or has already come with short term loans in India. I have no allegations to make against anybody. I only want that the money should not go out of India. We have young and capable men who can run banks in New York, Tokyo, London and in other places. We can learn a lot from Americans. I do not want the climatic conditions to allow the foreigners to come to our country when we have capable and devoted and patriotic young men here who can run the banks efficiently and as well as anyone else.

Now I come to the Reserve Bank of India. Mr. Tandon, Chairman of the Hindustan Levers is a very capable man who has been appointed as a Director of the Reserve Bank. I have no objection if Mr. Tandon, an Indian, is appointed as a Director but, he as a Chairman of the Hindustan Levers cannot get into the Reserve Bank Board. Now how can he, with world cartel connections of the Lever Brothers, be expected to do full justice in the Reserve Bank? I am saying this without any passion, without any kind of malice because we have got first-class young men in our banks who could even reach the Directorship of the Reserve Bank. We do not want to make mistakes by inviting people who are actually connected with foreign firms to be on the Board of the Reserve Bank. We should not allow the doors to remain wide open thereby allowing the undesirable elements to come in. Even if a woman speaks here either on this side of the House or that side of the House, she speaks with some commonsense. The lady speaker from the opposite side warned us that the East India Company came over here and exploited us here and hence grew the British Empire in India. They came forward (*Interruptions.*)

श्री रामेश्वरानन्द (करनाल) : अभी तो आप कह रहे थे कि अमरीका से हम बहुत कुछ सीख सकते हैं, उनको आने देना चाहिये लेकिन अब आप यह कह रहे हैं कि ईस्ट इंडिया कम्पनी आई, उसने हमारे लिये बहुत मुश्किल पैदा कर दी, हमें बहुत हानि पहुंचाई। इन दोनों का मेल कैसे बैठता है ?

श्री जोकीम आल्वा : आप बैठिए। आपके साथ मैं बाद में बात कर लूगा।

हम बाहर हिन्दी में बात कर सकते हैं।

Shri Joachim Alva: Now Sir, I come to my last point. That is, about the over eighty licences out of 116 licences granted to one big unit. It is true that in a particular period, may be, three or four years, we granted over 3,000 licences. Of this chunk of 3,000 licences, about, 120 were for big big units—each worth Rs. 50 lakhs and more. Whether this big chunk of licences went to one single unit of Birla or Tata—we are not concerned. Perhaps, Birlas may have got all those licences or somebody else. Why should the Finance Ministry not see to it that there is a proper distribution of licences? You know how the ministers and M.Ps. are pressurised to give licences. This is not good for the benefit of our country. Thus there can be no good foundations for a welfare State.

As somebody asked, if for one unit or one house over eighty licences of over Rs. 50 lakhs each are issued, what will others do? There should be something left for others too in a socialist State.

I want the Finance Minister and the Finance Ministry not merely to be the watchdogs of our finances, but also be watchdogs in such a way that our agriculture can be put aright.

There is one last, final and serious aspect that I would like to mention, and that is that no financial stability can come to this country, and no economic strength can be built up for our country if law and order break down. We must have ruthless and impartial Ministers in charge of law and order, who will close their eyes and do their duty, even if the guilty person concerned be their brother, or father. Unless we have ruthless and impartial Ministers in charge of law and order here at the Centre and in the States, we cannot put our house in order. Economic chaos and instability will follow.

Shri S. M. Banerjee (Kanpur): I rise to oppose this Bill not because I am against the charging of supertax or surtax or excess tax on profits. I support such taxation, but I oppose this Bill only because this is a substiution of the super-profits tax which was introduced by the former Finance Minister. I remember that when the Super-Profits Bill was being discussed in this House, I had initiated the debate and I had pleaded with the then Finance Minister that no amount of pressure from the big business-houses should result in reducing the taxation. But I was surprised when certain amendments were moved by the Treasury Benches and also by the former Finance Minister. After those concessions were granted, my hon. friend Shri Daji read out certain figures to show what the recovery of those taxes would be after the acceptance of those amendments. By giving facts and figures, he proved that in the case of certain business-houses, the taxation had been reduced to the tune of 25 or 30 or even 40 per cent after those amendments had been accepted.

I remember that when the Super-profits Bill was being discussed, a team of big Industrialists led by Mr. Tata was in Delhi, and there was enough pressure on the Government and on the Finance Minister that that tax should be removed. But the hon. Finance Minister stood by it. He did give some concessions but he did not withdraw the measure.

I have gone through the present Bill and I find that it has given further concessions to the big business-houses. The argument of the Finance Minister is that it is going to

[Shri S. M. Banerjee]

attract the foreign investors to invest more in this country, which, according to him, will strengthen our economy and will give more money for the success of our Plan. That may be true or that may not be true. But one thing is very clear, namely that we do not really know what the profits are. This House is going to impose a tax on excess profit, without knowing the actual amount of profits. The profits shown in the audit report or in the balance-sheets are far from the truth. We are yet to know the actual amounts, and I would like to know from the hon. Minister whether he has any apparatus to know the unexposed profits or the hidden profits or let us say, the black money with the big business-houses. After the report of the Vivian Bose Commission and the report of Professor Mahalanobis, we know that these monopolists in this country are trying their best to falsify the accounts, and have bogus shares, and they are manipulating in such a way that the profits would seem to be negligible. Since we have a mixed economy in our country nobody grudges the fact that a person who invests should have a reasonable profit. Now, the question arises as to what the definition of reasonable profit should be, and to what extent a person should be allowed to harvest at the cost of the nation.

The conception of socialism, according to me, is that State capital must grow more and more. The hon. Minister in his budget speech has made it absolutely clear that we want more foreign investors to come to our country. I have seen the functioning of these foreign investors. Let us take, for instance, the oil industry or the tea industry or the other industries and the fabulous amounts which they repatriate to the foreign countries as profits. If they are allowed a free hand in coming to our country and our capitalists are also allowed to set up units in collaboration with those foreign investors, especially the private investors, I do not know what will happen to this country, and whether the conception of socialism will remain intact or it will be reduced to ashes. I have a feeling that the Industrial Policy Resolution, which according to me was really something that everybody appreciated and hailed, has now been brought to dust. And I am afraid whether this foreign investment in our country may not be another East India Co. in our country and whether it may not endanger our conception of socialism or freedom. If the hon. Minister could give us some idea about what will happen to the repatriation of profits by the foreign investors, how that will be checked, and what amount will be allowed to be repatriated; I shall accept his thesis. But, according to me, and according to the various sources and according to the opinion in the ountry, this particular step will not take us forward towards socialism but will be a step backward. I would request the hon. Minister to give us some idea about the whole thing.

The other day, a U.S. team was here. They were extremely happy, as I read in the newspapers, to see the present policy of our Government. Why should the U.S. team be so happy if they knew that we were moving towards socialism, that we were for nationalisation of the foreign trade here and of all our big industries which are minting money at the cost of the people's happiness? Why were they so very happy? The reason is that they saw a change in the present policy of this Government, and that was why they were encouraged very much. I am sure that within no time, American money and the money of the other imperialist countries will flow into this country and it is bound to pollute the politics of this country.

My hon. friend Shri Joachim Alva has referred to the question about the grant of licences. In reply to a calling-attention-notice in this House, when the controversy arose between Shri Manubhai Shah and Shri K. C. Reddy, the hon. Prime Minister replied that 143 licences—I speak subject to correction—were issued to 7 or 9 big

business-houses, out of a total number of about 1400 odd licences. Then, we asked what the value of those 143 licences was in relation to the value of those 1400 odd licences? We are yet to get a reply to that question put by me, which was not only my question, but which was a question put to us outside this House by those who wanted to support this Government but who were opposed to the growth of monopolies in this country. I would like to know whether there is a change in the licensing policy of Government.

It is strange that the secretary of a particular Department is the chairman of three committees, perhaps the licensing committee and some other committees, and he has set up his own empire. This licensing committee is mainly influenced by the presence and pressure of that secretary who has been in the department, I believe, for the last seven years. Naturally, you will agree with me that when an ICS officer, and a senior ICS officer at that, remains in a department for more than five years, he has his roots, which affect the policy of our Government. I would like to know whether there is any change, and whether the hon. Minister is going to bring about any change in the licensing policy or whether he is going to allow it to remain as it is which will give rise to further monopoly in this country.

14 hrs.

There is another point, and I have done. About the pro..fits now things will be referred to the Monopolies Commission. I spoke about the formation of the Monopolies Commission while speaking on the Finance Bill. I have some difference of opinion with the Finance Minister on this issue, because I think there is no need for this Commission. But, still, as the Commission has been formed with eminent persons, with Supreme Court Judges, I welcome it, but I would like to know why an eminent economist like Prof. Hazaria, for instance has not been included. I in this Commission. He was given a job by the Planning Commission. I have read the cyclostyled report by him. Herculean work has been done by him. He has surveyed certain big business houses, and he has mentioned about the complex chain of Birla house. So, I would like the hon. Minister to kindly let me and the House know why eminent economists and representatives of the public have been ignored, why they have not got a place in this Commission.

This Commission should also consider the amount of black money, the income-tax evasion, the Wealth Tax evasion, and all other evasions by the big monopolists, and I am sure that, if the terms of reference are broad, if this Commission holds public sittings, if the representatives of political parties, eminent economists, eminent lawyers and chartered accountants are given a chance to place their view points before this Commission, many things will come out, and the black money hidden in this country with the monopolists and big business houses is bound to come out.

So, I request the hon. Finance Minister to justify this Bill not merely on the ground that it will attract foreign capital, but also by telling us how this is an improvement on the Supper Profits Tax Bill which is likely to withdraw in favour of this Bill.

With these words, I oppose this Bill, and would request the hon. Finance Minister to kindly enlighten us more about these things before we can give our consent to the passing of this Bill.

Shri T. T. Krishnamachari: My task in regard to this Bill has been made comparatively easy by the hon. Members who spoke on the measure avowedly, but covered very wide ground, about which you would not expect me either to be able to reply or to offer a reply. I, therefore, propose to confine myself to the criticisms that have been voiced on this particular measure.

My hon. friend Shri Morarka wanted to know whether the amendment proposed would cover loans of seven years where the instalment will start

[Shri T. T. Krishnamachari]

after two years. Yes, if the instalment is to be paid over a period of seven years, it will be covered. The last instalment must have a seven year duration at least, then the loan will be a seven year loan.

Shrimati Renu Chakravartty opposed the Bill on the ground that it gives away concessions which were not vouchsafed by the Super Profits Tax Bill. I would like to mention to hon. Members that this is only a part of the total tax strategy which is envisaged in the Finance Bill. In the Finance Bill, in regard to the basic tax —income-tax and super tax on companies—concession has been given of 10 per cent to certain specified industries, which are also specified here for a concession of 20 per cent of the super-tax. Certain other concessions have been provided to the companies, and in order to off-set these concessions as against distribution, we had a Dividend Tax incorporated in the Finance Bill, which the House approved yesterday.

This measure is an intermediate measure. While following the policy of giving some concessions to certain basic industries, it provides for two things. One is to mop up certain amount of money which might be in the nature of excess profits, that is a return of over and above 10 per cent of the block. The important thing, both in regard to the people who oppose the Bill and those who support the Bill is this: here is a clear indication of what the block is on which a return can be expected by the company, and what the return is. The block has been widened. Naturally, if the interest paid on what is construed to be the capital base is added up, to that extent it brings down the advantages, but that cannot be helped. You cannot have it bothways. But, in any event, it has been conceded that a ten per cent return is a fair return on the block. I think this has been generally appreciated as a fair indication of Government's policy.

Secondly, we cannot do without a tax measure which takes up the surplus profits, both for revenue considerations and for being in tune with certain policies in regard to prices that we are following. While undoubtedly—and it is wrong for anybody to interpret Government's policy otherwise—Government is following what is called a managed or planned economic, in which, to meet the basic needs of the people, prices have to be controlled if supplies are not adequate, even in a managed economy, control on prices need not be imposed if supplies are adequate and the distribution system does not abuse the price structure, but when supplies are not adequate, or there is maldistribution, or these fare both, then comes price control. But there is no meaning in having control over a number of commodities on which Government is not able to exercise any control. In fact, in the 16 commodities on which we removed price control in December, I found that Government did not have one prosecution, they were not in a position to go and investigate the prices and effectively control them. In fact, there is no meaning in having a price control which is not effective. We would rather loosen the control there, and mop up the extra profits. A tax of 40 per cent on anything above a return of ten per cent on the block is intended for that purpose.

We cannot altogether take away this excess profits tax when incomes are rising, when more profits are likely to be made because of Government policies, when in certain commodities price control may not be imposed. All these factors necessitate Government having some form of taxation which will mop up the excess profits.

I think Shrimati Renu Chakravartty has moved an amendment making it 50 per cent. It may be 50 or 40, but I think that for the time being 40 is adequate. So, this tax is something which is part of the entire scheme, rather than an isolated tax. Therefore,

I have nothing to say against people who find merit in the Super Profits Tax, but it is generally conceded that in the actual working of the Super Profits Tax, there were certain distortions, certain companies with a big capital base earned more, certain companies with loan capital, which is also included as capital now, did not earn more. So, that has to be taken away and something substituted.

I did not ever say that I was going to give a largesse as against the super profits Tax. f somebody thinks that it is the Super Profits Tax that has come in this form, I did not deny it. After all, basically the purpose is the same, but since the Super Profits Tax did not completely envisage the conditions that are now prevailing and the policies which have now taken shape which we are now trying to implement, a change is necessary. That is the justification for this tax. If you tell me that it is mild, I say I think it is more equitable.

If I had no Dividend Tax, and if there is no tax on section 104 companies, I am sure Shri Masani would not have objected to it so severely,. . .

Shri M. R. Masani: I said so.

Shri T. T. Krishnamachari: . . . and I would not have got the very harsh words that he used against me. He does not like it. The point is that what is meat for one person is poison to another. I am sure my hon. communist friends did not wholly dislike the Finance Bill inspite of the fact that they did not say so specifically. There is the fact that they would not be prepared to join the Opposition and express their dissent to the Finance Bill because they know that it is a legitimate and proper attempt. I had very valuable support from Mrs. Chakravartty in the tax provisions that we have to check abuses. The overall strategy of the Finance Bill is something which they did approve. But it is ultimately the person or the party in power which should equate over the different ideologists and approaches and do what is necessary for sustaining the economy. My hon friend Mr. Masani may tell me what happened yesterday in Bombay, that securities crashed. I know. Securities will crash and it will keep on crashing for some time. He may say that I am living in a fool's paradise. Of course I may be fool living in a paradise. I may be a queck among economists. These harsh words never break any bones and my bones even at the age of 64 are tougher than those of Mr. Masani's. These are all in the game and I do not get offened Now, Sir, I do not use harsh words. Why? Because I am on firm ground: I am absolutely on firm ground. . (*Interruptions*).

Shri M. R. Masani: You are in office.

Shri Ranga (Chittoor): Otherwise your ground will tumble.

Shri T. T. Krishnamachari: You may protest; because you are not on firm grounds. It is the duty of the Opposition to criticise the Government. I quite see that. But the Opposition gets angry when they do not get proper arguments. .

Shri M. R. Masani: We do not get proper answers.

Shri T. T. Krishnamachari: Therefore. the basic strategy of this measure is part of the overall strategy. That has to be understood before you condemn it or accept it. Hon. Members condemn it because they think it is not their duty to understand the basic strategy. But once they understand the basic strategy of the Goernment, well, there will be no opposition. But even if they understand it they have got to say that they do not understand it.

The Bill, Mr. Deputy-Speaker, is something which does not need further clarification or explanation over what has been stated. I do not think

[Shri T. T. Krishnamachari]

Mr. Peter Alvares understood this at all. He is a good student of economics but in his trying to justify or not justify the provisions of taxation policy, having criticised me as a Member of the Opposition, he missed the mark and I have only to meet two sets of opposition. One is that I have given something more to the industrialists than what is deserved, something which is wrong and which should not be given to the industry all the industry must deteriorate and ultimately wither away. The other thing is what whatever I do is wrong and therefore it has to be condemned. I do not think that I had any legitimate or even rational criticism of this particular measure because it cannot be for the reason that it is a sound measure. It is a modest measure undoubtedly. May be, one or two things may be wrong here or some adjustments would have to be made; maybe we have to raise the rate or lower it. But the strategy, I think, is correct and a year hence we will prove whether it is correct or not.

In regard to one amendment I have said that I have expanded the scope of this base of ten per cent by including any capital asset borrowed on the basis of a loan of seven years. It is no doubt true that there can possibly be different interpretations that might be put on the loans to IFC, etc. of a shorter duration which could have been the case originally as it stands, and which has been taken away. The proviso makes it very clear that all the loans covered by the main clause, provided they are subject to a term of seven years, will qualify. This and the other amendment which I have suggested are, as I have said, in regard to the extending of the scope of the commodities or rather industries which will qualify for the twenty per cent rebate. I think it is correct. I cannot give ten per cent away in regard to the corporation tax to those industries and at the same time say that even if they pay excess profits tax from out of profit, they could not have anything to plough back to the reserves. Therefore, the system followed is a logical and consistent.

Mr. Masani is not correct when he said that 104 companies were exempted. . .

Shri M. R. Masani: I did not say so; I said many excluded companies will come in.

Shri T. T. Krishnamachari: I thought he said so. If he did not say so, my criticism is wrong. I do not think there has been any material comment otherwise. I hope at any rate that I have covered the points concerning the Bill. I have not covered the other things because I am not a licensing authority and I do not keep a list of licences. For that matter, in regard to foreign capital, I have stated my case and if hon. Members have got different points of view, well, they are entitled to.

Mr. Deputy-Speaker: The question is:

"That the Bill to impose a special tax on the profits of certain companies, be taken into consideration".

The motion was adopted.

Clause 2—(*Definitions*)

Mr. Deputy-Speaker: We shall take up clause by-clause consideration.

Firstly, clause 2.

There is an amendment.—No. 12.

Shri Rameshwar Tantia (Sikar): Sir, I beg to move:*

Page 1, —

after line 22 *insert*,—

"(5A) Deficiency in relation to an assessment year means—

(i) Where there are chargeable profits in respect of the previ-

*With Presidents' recommendation.

ous year relevant to that assessment year, the amount by which such profits as increased by the sum excluded under clause (xi) of rule 1 of the First Schedule fall short of the standard deduction.

(ii) Where there are no chargeable profits in respect of the previous year relevant to that assessment year the amount of the statutory deduction". (12).

Sir, with regard to this amendment I say that surtax which has been imposed although it is less than the super profits tax was less than ten or 20 per cent in some cases. It was some relief given by the one hand and it has been taken by another hand. In super profits tax any deficiency was carried over for the next year but in surtax that is not the case. Hon. Finance Minister says he wants money to be ploughed back by the corporate sector. If one year there are losses to the company, next year it makes profit and the third year it makes profit, it has to pay surtax without considering that amount of deficiency. That is the amendment which I want to move and I think the hon. Finance Minister will give thought to this very reasonable amendment and will agree to this.

Shri T. T. Krishnamachari: Sir, I am not in a position to accept this suggestion of carry over of the losses in this particular measure. It is in the definition clause which he is putting it in and I am unable to accept that proposal.

Shri Rameshwar Tantia: In that case, I withdraw the amendment.

Mr. Deputy-Speaker: Has the hon. Member leave of the House to withdraw his amendment?

The amendment was by leave withdrawn.

Mr. Deputy-Speaker: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3 and 4 were added to the Bill.

Mr. Deputy-Speaker: Do you move the new clause or any other amendment?

Shri Rameshwar Tantia: No.

Mr. Deputy-Speaker: There are no amendments to clauses 5 to 26.

The question is:

"That clauses 5 to 26 stand part of the Bill."

The motion was adopted.

Clauses 5 to 26 were added to the Bill.

Mr. Deputy-Speaker: Now, we take up the First Schedule. There are some amendments to this. Does Shri Tantia move his amendments?

Shri Rameshwar Tantia: No.

Mr. Deputy-Speaker: The question is:

"That the First Schedule stand part of the Bill."

The motion was adopted.

The First Schedule was added to the Bill.

Second Schedule

Mr. Deputy-Speaker: Does Shri Tantia wish to move his amendments?

Shri Rameshwar Tantia: There is an amendment of mine. But the hon. Finance Minister has made the point

[Shri Rameshwar Tantia]

clear. I therefore do not move my amendment.

*Amendment made:**

(i) Page 15,—

for lines 25 to 34, *substitute*—

"(v) any moneys borrowed by if from Government or the Industrial Finance Corporation of India or the Industrial Credit and Investment Corporation of India or any other financial institution which the Central Government may notify in this behalf in the Official Gazette or any banking institution (not being a financial institution notified as aforesaid) or any person in a country outside India:

Provided that such money are borrowed for the creation of a capital asset in India and the agreement under which such moneys are borrowed provides for the repayment thereof during a period of not less than seven years.". (1).

(ii) Page 16, line 15,—

for "such moneys as are", *substitute*—

"the Debentures referred to in clause (iv) or moneys". (2).

(*Shri T. T. Krishnamachari*)

Mr. Deputy-Speaker: The question is:

"That the Second Schedule, as amended, stand part of the Bill."

The motion was adopted.

The Second Schedule, as amended, was added to the Bill.

Third Schedule

*Amendment made:**

(i) Page 17, line 19,—

for "and" *substitute* "or". (3).

(ii) Page 17, line 30,—

for "and" *substitute* "or". (4).

(iii) Page 18,—

for line 4, *substitute*—

"(2) Aluminium, copper, lead and zinc (Metals)". (5).

(iv) Page 18, line 5,—

for "iron ore and bauxite", *substitute*—

"iron ore, bauxite, manganese ore, dolomite, magnesite and mineral oil". (6).

(v) Page 18,—

for lines 13 and 14, *substitute*—

"(6) Equipment for the generation and transmission of electricity including transformers, cables and transmission towers." (7).

(vi) Page 18,—

for line 19, *substitute*—

"(11) Fertilisers, namely, ammonium sulphate, ammonium sulphate nitrate (double salt), ammonium nitrate (nitrolime stone), ammonium chloride, super phosphate, urea and complex fertilisers of synthetic origin containing both nitrogen and phosphorous, such as ammonium phosphates, ammonium sulphate phosphate and ammonium nitro phosphate". (8).

*With President's recommendation.

(vii) Pagt 18,—

for line 21, *substitute*—

"(13) Tea". (9).

(viii) Page 18,—

after line 21, *insert*—

"(14) Electronic equipment, namely, radar equipment, computers, electronic accounting and business machines, electronic communication equipment, electronic control instruments and basic components, such as valves, transistors, resistors, condensors, coils, magnetic materials and micro wave components.

(15) Petrochemicals including corresponding products manufactured from other basic raw materials namely, calcium carbide, ethyl alcohol or hydrocarbons from other sources." (10).

As a result of the insertion of two new items in the list, item (14) may be re-numbered as item (16). (11).

(*Shri T. T. Krishnamachari*)

Mr. Deputy-Speaker: The question is:

"That the Third Schedule, as amended, stand part of the Bill."

The motion was adopted.

The Third Schedule, as amended, was added to the Bill.

Clause 1, *the Enacting Formula and the Title were then added to the Bill.*

Shri T. T. Krishnamachari: I beg to move:

"That the Bill, as amended, be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

14.24 hrs.

ARMED FORCES (SPECIAL POWERS) CONTINUANCE BILL

The Minister of State in the Ministry of External Affairs (Shrimati Lakshmi Menon): Sir, I beg to move:

"That the Bill to continue the Armed Forces (Special Powers) Regulation 1958, for a further period, be taken into consideration."

The Bill before the House seeks to continue for a further period the Armed Forces Regulation which was promulgated by the President in 1958 for the purpose of conferring certain special powers on officers of the armed forces to enable them to aid effectively the civil powers in the disturbed areas of Kohima and Mokokchung districts of the Nagaland and Tuensang Area. The duration of the regulation was initially restricted to one year. Since the disturbed conditions in the districts of Nagaland and Tuensang Area continued, the regulation was extended from year to year by the Armed Forces (Special Powers) Regulation pomulgated by the President under article 240 of the Constitution, read with paragraph 18(2) of the Sixth Schedule of the Constitution. The last extension of the Regulation was made up to 4th April, 1964.

Consequent on the formation of the State of Nagaland, it was pointed out to us that the extension of the Regulation for a further period has to be effected by Parliamentary legislation.

[Shrimati Lakshmi Menon]

Accordingly, a Bill to continue the 1958 Regulation was introduced in the Lok Sabha on the 25th of March, 1964. As the Bill could not be passed by both Houses of Parliament before the period of the expiry of the Regulation, it became necessary to resort to immediate legislation by ordinance for the purpose of continuing the Regulation.

The Bill is essentially of a formal nature. Its object, as I had mentioned earlier, is to continue the 1958 Regulation for a further period of one year, as is clear from clause 3 of the Bill; the changes that clauses 2 and 4 of the Bill seek to effect are of a consequential nature, and they are necessitated by reason of the present status of Nagaland as a separate State:

In the end, I would like to assure the House that it is not our intention to invest members of the armed forces with special powers for longer than necessary. That is why we are extending the Regulation for a further period of one year only. Sir, I move.

Mr. Deputy-Speaker: Motion moved:

> "That the Bill to continue the Armed Forces (Special Powers) Regulation 1958, for a further period, be taken into consideration."

Shri Ranga (Chittoor): Before I begin my speech, can we have some idea of the working of this ordinance that they have had during the last one year, what has been their experience, in regard to the aid to the civil power and controlling the subversive forces and to deal with the fifth columnists, etc?

Shrimati Lakshmi Menon: This Bill is really meant to protect the armed forces in the due process of law, because, in a state of emergency, they will be called upon to do certain acts which may not be legal otherwise. Therefore, so far, it has been very helpful. The armed forces have been able to help the civil authorities in maintaining or sustaining the law and order in Nagaland.

Shri Ranga: Mr. Deputy-Speaker, Sir, at one stage, at an earlier stage, we took a very strong objection to this Bill because, at that time, when the Government came forward with this Bill, they thought it fit to persuade the President to issue that ordinance. But now, that the Bill has come, so far as the principle underlying it is concerned, we are in favour of it. But, what I would like to be assured about is, the manner in which it is sought to be utilised, has been utilised, during the last one year. It was for that reason that I put that question to my hon. friend to tell us how many times the aid of the armed forces was invoked by the civil power there in these border areas, and to what effect, and to what extent the ordinary civil liberties of the people had to be impinged upon and for what purpose and so on.

Now, we are certainly anxious to give every possible power to the Government to be utilised through the armed forces in order to buttress the strength of the civil power there on the frontier areas, so that the security could be strengthened and could be ensured also. But, unfortunately, we have found that the military intelligence has been very weak. It was admitted by the Defence Minister himself, but we have not had any satisfactory report from Government that it has been strengthened and improved upon during the last one year and more of this emergency. What they have done and what they are trying to do in order to develop even civil intelligence, first of all, to ascertain in all the pockets and in what manner the fifth columnists are operating and are developing themselves, from what ranks, social and political, of the people that these fifth columnists are being recruited and so on, is not known to us. We do not know what the Government has done. We have not had any information whatsoever.

We only know from what we hear from various sources that the position has not improved. We are also afraid that there is a liaison between the fifth columnists on the one side and the Chinese on the other side of the border. This liaison is only becoming stronger, and their not also is being spread over larger areas. How much of truth there is it is not possible for us to know, nor can we check these rumours that come to us. We only know from past experience that our Government, in its civil as well as military arms, has not been effective, has not been efficient.

Mr. Deputy-Speaker: Does the hon. Member want more time?

Shri Ranga: Yes, Sir.

Mr. Deputy-Speaker: He may continue on the next day. Now we shall take up non-official business.

14.30 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS
FORTY-FIRST REORT

Shri Muthiah (Tirunelveli): I beg to move:

> "That this House agrees with the Forty-first Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 15th April, 1964."

Mr. Deputy-Speaker: The question is:

> "That this House agrees with the Forty-first Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 15th April, 1964.".

The motion was adopted

14.31 hrs.

RESOLUTION RE: PEOPLE'S PROCURATOR—*contd.*

Mr. Deputy-Speaker: The House will now proceed with the further discussion of the resolution moved by Dr. L. M. Singhvi on the 3rd April, 1964. One hour and fourteen minutes are left.

Dr. L. M. Singhvi (Jodhpur): My submission is that the time for the debate on this should be extended by at least half an hour.

An Hon. Member: By one hour.

Dr. L. M. Singhvi: You might see later on.

Mr. Deputy-Speaker: We will see. Dr. Singhvi may continue his speech. He has already taken sixteen minutes.

Dr. L. M. Singhvi: Mr. Deputy-Speaker, Sir, when the debate was adjourned on the 3rd April, 1964, I was submitting that there has been very little creative thinking regarding administrative institutions and processes in our country. I was advocating the appointment of a committee like the Franks Committee in the United Kingdom, and I was advocating the formulation of a uniform administrative procedure code for the entire country. I was also emphasising the need for adequate machinery for ventilating and redressing public grievance, which indeed is the principal purpose of the resolution before the House.

Sir,, I raised this matter in a regular debate when we were discussing the Demands for Grants of the Ministry of Law on April 3, 1963, and when I asked the hon. the Law Minister whether Government were inclined, aware as they were of the implications of this matter, to consider this proposal, the Law Minister said:

> "That is for the Prime Minister.. I cannot answer for this Government on an important matter of policy like this, particularly when

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Government has not considered this point up till now at the governmental level at all."

Then again the Law Minister went on to say:

"Possibly, a resolution may be moved, a non-official resolution on which possibly it will be answered by the Prime Minister himself; and then we might carry on thinking on this subject, seeing at the same time how it succeeds in a system of parliamentary democracy like that of England or New Zealand or ours where there is a very strong Parliament and a strong judiciary".

After this statement by the Law Minister we had the statement of the Prime Minister which he made while addressing the All India Congress Committee at its Jaipur session on November 3, 1963. During this speech he said that the system of Ombudsman fascinated him, for an Ombudsman had overall authority to deal with charges, even against a Prime Minister, and commanded respect and confidence of all. But he felt that in a big country like India that system might not be the right solution.

I would deal also with the statement made by the Union Home Minister, Shri Nanda, on December 16, 1963 in this regard. He said:

"The importance and urgency of providing a machinery for looking into the grievances of citizens against the administration and for ensuring just and fair exercise of administrative powers, is fully recognised. But it is considered that this problem is big enough to require a separate agency or machinery and that apart from this the Central Vigilance Commission would be overburdened if this responsibility were to be placed upon it, and the Commission might as a result be less effective in dealing with the problem of corruption."

The Union Home Minister went on to say:

"Accordingly the Commission will not have a Directorate of General Complaints and Redress. The question of evolving a machinery for dealing with the grievances of citizens against the administration is being separately examined, and the Department of Administrative Reforms, which is contemplated, will work out the details of such a machinery".

As a matter of fact, I think that this august House is entitled to regard this as an assurance on the part of the Union Home Minister, and no amount of semantic subterfuge which has been sought to be employed thereafter would entitle the Government of India to wriggle out of this commitment which the Union Home Minister solemnly gave to this House, namely, to take steps for setting up an institution for ventilating and redressing public grievance, whatever the detailed form it might take.

I should like to draw the attention of the House to the report of the Committee on Prevention of Corruption, popularly known as the Santhanam Committee, on this aspect of the matter. The Santhanam Committee has in my humble opinion done excellent work and it deserves a tribute from this House for the path-breaking work it has done. Nevertheless, in this respect I think it has been limited by a somewhat timid approach. It has sought to suggest that while there is a large consensus of opinion that a new tradition of integrity should be established in this country, and while it has suggested that a code of conduct for Ministers should be evolved and that specific allegations should be enquired into even against Ministers by the Prime Minister's own agency to which he may delegate such powers of investigation, the Santhanam Committee has, however, not proceeded to draw the logical conclusions which it

should have drawn from the assumptions it accepted. The Santhanam Committee has said:

> "The Central Vigilance Commission should not deal with complaints against the Ministers nor would it be desirable to establish any permanent tribunal. The proper course would be for the President to constitute, on the advice of the Prime Minister, a 'National Panel'. Whenever allegations against a Minister require to be inquired into an *ad hoc* committee should be selected out of this national panel by the President."

My submission is that this is advocating an *ad hoc* approach or an approach of postponement to a vital problem which concerns our administrative institutions and processes. I submit that we cannot deal with the problem in an *ad hoc* indecisive manner or by an approach of postponement. I submit therefore that this matter should be looked into here and now, and the hon. Union Minister of State for Home Affairs should reiterate the commitment given to this House by the Union Home Minister.

Sir, I should like to refer to the large body of informed public opinion in this country which has favoured the establishment of an institution such as the one advocated by me. I should like to draw the attention of this House to the Convocation Address delivered by the Chief Justice of India, Shri P. B. Gajendragadkar at the Indian Institute of Public Administration on the 15th July, 1963, wherein he advocated serious consideration for the establishment of an institution like the one I have suggested.

I should like to draw the attention of the House to the joint statement by thirteen leading lawyers practising at the Supreme Court who have also endorsed the suggestion for the establishment of an institution such as the one suggested by me.

Shri M. C. Setalwad, former Attorney-General of India and a distinguished jurist of this country has also emphatically suggested the establishment of an institution such as the Ombudsman.

The idea has also been endorsed by the former Chief Justice of India, Shri B. P. Sinha.

I could multiply the numerical strength of these supporting opinions, but it is clear from what I have mentioned before the House that there is a large body of informed and knowledgeable public opinion in this country which favours the establishment of this institution, and Government would ignore this advice tendered by these eminent jurists in this country only at the peril of endangering the progress and the growth of administrative institutions on a democratic basis in this country.

I have also dealt with the built-in inappropriateness or inadequacy of formal judicial remedies which are available to the citizen today for the redress of some of his grievances. I have also shown in the first part of my speech that parliamentary interrogation and interpellation does not fully serve the purpose of redressing and ventilating public grievances.

Now I shall deal with the device of *ad hoc* enquiries which has been advocated by the Santhanam Committee, and I shall answer the question whether these enquiries, whether they are public enquiries or departmental enquiries, could possibly answer the exigencies created by the whole complex of administrative and political problems in this country. A departmental enquiry is a greatly constricted process and it does not evoke public confidence. It is usually considered to be a hush hush affair. Whenever the feelings and tempers are frayed and the controversy is at a high pitch, or when the complaint is against the administration itself, the departmental enquiry would always invariably fail to satisfy public opinion. An *ad hoc*

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public enquiry such as could be appointed under the Commission of Inquiry Act is an elaborate procedure and it is designed to deal with major scandals. It cannot be invoked with any measure of facility for the day-to-day grievances of the common citizen. These *ad hoc* enquiries into mal-administration are seldom ordered unless there is a strong public clamour and pressure. Public inquiries under the Commission of Inquiry Act may be attended by spectacular, even festive, fanfare, but it would not be conducive to constructive and substantial results. It is also not a readily available and accessible means.

I should also like to deal with the benefits of having an institution such as Lok Ayukta. The main benefit is that we would be establishing an impartial machinery which would be independent of the real and apparent pressures and influences of the Government. It would be free from actual or assumed interference by the Government. The security of tenure and the stipulation against removal of Lok Ayukta that I have provided for would constitute an insurance for the independence of the Lok Ayukta and would evoke public confidence generally.

Another great benefit which would flow from this institution would be the informality of its procedure. We know very well that judicial proceedings are formal and sometimes fail to give redress even where there has been a wrong. The Lok Ayukta would not work as a brake or impediment on the normal processes of administration and would, therefore, not slow down the processes of departmental functioning. What is more, the Lok Ayukta, as contemplated in my resolution, would have complete access to files and materials, so that he would be able to determine and adjudicate on the basis of all the materials. Parliamentary interrogation and interpellation and parliamentary debate can legitimately be subjected to the criticism that an adroit minister may quite often get away with deliberate evasions. Therefore, I feel that this is the only institution which can really fulfil the main demands and requirements generated by the administrative complexities of the present day.

There are three main objections to the institution which I have contemplated in my resolution. One objection was voiced by the Law Minister when he replied to the debate on the Demands for Grants of his Ministry. He said, this would require constitutional amendment and legislation. This is a lame excuse. A Government which has been seeking to amend the Constitution day in and day out cannot claim that the Constitution as it is in force is sacrosanct and is beyond the process of amendment. In this case particularly there can be no valid objection against the amendment of the Constitution and enactment of new legislation, because what we are seeking to do is not to change the existing institutional procedures, but to engraft new institutions. The Law Minister said that our adoption of this institution would depend on the experience in other countries. I do not have the time to go into details of the working of this institution in other countries. But I can say without any hesitation and without any fear of contradiction that this institution has worked very successfully in the countries in which it has been adopted, which include an English-speaking country also for it seems that the Law Minister has a particular weakness for Anglo-Saxon systems. New Zealand, which is a member of the Commonwealth, has worked this institution with a conspicuous measure of success.

Another objection raised is that such an institution cannot function successfully and effectively in a large country like ours, which also has a federal framework. This also is an ill-conceived objection to the institution of Lok-Ayukta. For one thing, if the objection is based on the appre-

hended volume of complaints before the Commissioner, it is quite clear that in a country like ours, where there would be not only an Ombudsman at the Union level, but there would be Ombudsman at the level of each State or each zone, there would be no difficulty about the volume of complaints.

I do not have the time to go into figures and statistics. If I had the time, I could illustrate from figures in Denmark and Sweden that the volume of complaints has been no problem at all.

Mr. Deputy-Speaker: He should conclude now.

Dr. L. M. Singhvi: Yes, Sir; I am concluding in a minute. I think by and large the objections against this institution have stemmed from a fear of the unknown, from a sort of administrative superstition, which has got itself entrenched in the machinery of the Government.

Before I conclude, I would like to quote Lord Shawcross. This is what he has to say while commending this institution in his preface to the Report of the Whyath Committee:—

"But the nature of governmental and local governmental activity is now such that large areas of discretion are created in regard to all sorts of matters affecting the lives and rights of ordinary people in varying degrees.

With the existence of a great bureaucracy there are inevitably occasions, not insignificant in number, when through error or indifference, injustice is done—or appears to be done. The man of substance can deal with these situations. He is near to the establishment; he enjoys the status or possesses the influence which will ensure him the ear of those in authority. He can afford to pursue such legal remedies as may be available. He knows his way-round. But too often the little man, the ordinary humble citizen is incapable of asserting himself. The little farmer with four acres and a cow would never have attempted to force the battlements of Crichel Down. The little man has become too used to being pushed around: it rarely occurs to him that there is any appeal from what "they" have decided. As this Report shows, too often in fact there is not."

Sir, with these words, I commend this resolution to the House in the hope that it will find general support and meet with sympathetic response from the Government.

Mr. Deputy-Speaker: Resolution moved:

"This House is of opinion (a) that an Officer of Parliament to be known as the People's Procurator (Lok Ayukta), broadly analogous to the institution of Ombudsman in Sweden, Denmark and New Zealand, be appointed, under suitable legislation for the purpose of providing effective and impartial investigating machinery for public grievances, for eradicating corruption at all levels, for redressing administrative wrongs and excesses, for securing the liberties of citizens, and generally for strengthening the basic foundations of parliamentary democracy as a system of government;

(b) that the People's Procurator should be a person of known legal ability and outstanding integrity and should be appointed by the President of India on the recommendation of both Houses of Parliament. The term of each Procurator shall be coterminous with that of each Parliament and a Procurator shall not be eligible for re-appointment as such and shall not accept any office of trust or profit at the disposal or in the dispensation of the Central Gov-

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ernment or any State Government for at least ten years after his laying down the office of Procurator. The Procurator shall be removeable only in accordance with the procedure laid down in article 124(4) of the Constitution.

(c) that broadly the People's Procurator or Lok Ayukta should have the following powers and functions:—

(i) The Procurator shall have the power to investigate any decision or recommendation made or any act done or omitted, relating to a matter of administration affecting any person or body of persons in or by any of the Ministries and departments or by any Minister, Officer, employee or member thereof in the exercise of any power or function conferred on him by any Statutes, rules or directives. The Procurator shall make general and specific recommendations to the Government and shall suggest action against those, who in the execution of their official duties, have through partiality, favouritism or any other cause or consideration, omitted any unlawful act or neglected to perform their duties properly;

(ii) The Procurator may make any such investigation either on a complaint made to him in accordance with requirements to be detailed in a suitable enactment or on his own motion;

(iii) Without limiting the foregoing provisions, the Procurator shall also investigate any petition that may be referred to it by either House of Parliament or any Committee thereof subject to the directives of the referring House or Committee and shall submit his report thereon;

(iv) The powers of the Procurator shall be exercised in accordance with the principles and directives laid down in a motion to be passed by the House of the People and approved by the Council of States from time to time;

(v) If any question arises whether the Procurator has any jurisdiction to investigate any case or class of cases, the Procurator may, if he thinks fit, apply to the Supreme Court for an advisory opinion in the matter;

(vi) The Procurator shall have power to summon any documents or persons and shall have power to examine any person on oath;

(vii) The Procurator shall in each year make at least one comprehensive report to Parliament on the exercise of his functions;

(d) That People's Procurators, with analogous powers and functions should also be appointed in all the constituent States of the Indian Union, and that necessary steps should be taken expeditiously in order suitably to amend the Constitution and to enact legislation for effectuating the aforesaid purposes."

There is an amendment by Shri Sidheswar Prasad.

Shri Sidheshwar Prasad (Nalanda): I beg to move:

That in the resolution in—

(i) Para (a), line 9—

for "generally" *substitute* "primarily".

(ii) Para (b), line (3)—

after "President of India on the" *insert* unanimous".

(iii) Para (c) (iv), line 3,—

(i) *after* "passed" *insert* unanimously".

(2) *for* "House of the People" *substitute* "Lok Sabha".

(iv) Para (c) (iv), line 4,—

for "Council of States" *substitute* Rajya Sabha".

(v) Para (c) (v), lines 3 and 4,—

for "apply to the Supreme Court for an advisory opinion in the matter" *substitute* "request the Parliament for direction"

(vi) Para (c) (vi), line 1,—

before "The Procurator" *insert*—"Except the President, or the Parliament, or the State Legislatures, as the case may be".

(vii) Para (c) (vii), line 2,—

after "Parliament" *insert* "for discussion".

(viii) *add* at the end—

"(e) that simultaneously with the appointment of Lok Ayukta or the People's Procurator immediate steps be also taken to reconstruct the structure of general administration and judiciary in such a way that both may be more efficient, cheaper, quicker and thus, in a way, be helpful in the work of the Lok Ayukta." (1)

Mr. Deputy-Speaker: The resolution and the amendment are before the House. The time allotted is 1½ hours. Hon. Members will take five minutes each.

Dr. L. M. Singhvi: It is no use having a debate like that. This is a complex and specialised subject. I have cited statements from responsible persons including the Prime Minister. It is a subject engaging the attention of the whole country. So, if Members are asked to confine themselves to five minutes, it is asking them to do the impossible.

Shri Surendranath Dwivedy (Kendrapara): No useful discussion can take place if only five minutes are allowed. At least 10 minutes should be given to each.

Mr. Deputy-Speaker: Is it the desire of the House that the time should be extended?

Hon. Members: Yes, Sir.

Mr. Deputy-Speaker: All right. The time for this resolution is extended by 1 hour. Upto 4.40 this will go on. Shri Mathur.

Shri Harish Chandra Mathur (Jalore): Sir, I will take 15 minutes. Otherwise, I cannot make out my points.

Mr. Deputy-Speaker: He may take 10 or 12 minutes and try to finish as early as possible.

Shri Harish Chandra Mathur: Sir, I rise to give my full and unqualified support to the resolution moved by my esteemed friend, Dr. Singhvi. This

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incorporates the idea which we have been arguing on the floor of the House for the last five years. Whenever the Demands for Grants relating to the Ministry of Home Affairs have come in for discussion we have put forth this suggestion all the time. Sir, the process of democracy, as it is, does take time, but I think we have arrived at a situation when we must take stock of the conditions obtaining in this country and take certain positive steps.

What is the problem before the country, before the citizens and before the administration? To my mind the problem No. 1 before the country, before the citizens and before the administration is that we must have a clean political life and a clean administration. Every one feels agreed that there is a general impression all over the country that the administration does not enjoy that respect and confidence which it ought to have. For whatever reasons it may be, I think there can be no greater harm done to a government or an administration if it loses the faith and confidence of the people at large.

In most of the countries surrounding us the political life has gone to such a low ebb that the politician and the political life have gone down the drain and along with that the democracy also. It is only this great country which has sustained administration, which has sustained democracy, of which we can very well be proud of. It was largely due to the fact that we had in the political life leaders who had the imagination, who had caught the imagination of the people and for whom the people in the country, by and large, had a great fascination. Now that old lot is dying out and we have got factions and even those leaders that we have been talking so low at each other, that the respect which the political life must command is not what it ought to be.

Another factor which had a very great demoralising effect on the political life is the factions amongst the Congress Party itself, which has percolated down to the lowest level. They have also distorted the image of the political life in the country and the respect for the politicians. The same party and the same persons have been in power for a long time. That also has its effect and impact on the public mind.

Then, we have in our Prime Minister an outstanding personality. The Prime Minister has been one of the greatest assets for this country. He gave this country continuity of administration. He gave this country integration. He has been responsible for keeping this country together. But, unfortunately, it had also a very adverse effect on the political life on the other side, because most of the people in political authority have, instead of having their eyes, ears and conduct tuned to the sensitivity of the public opinion, always rivetted their attention on the Prime Minister, how to keep him pleased and how to keep those who surround him pleased and flattered. This also has undermined and damaged very considerably the image of political life in this country.

Another important factor which we have to take note of is that we had no Opposition worthwhile in this country. It is only just because of historical facts and because the Opposition has no alternative programme to project before the public mind. They have very much depended on the abuses, on abusing the ruling party, on the negative aspect of pulling down the prestige of the Congress and on the failures of the Congress. That also has further contributed in bringing down the respect for political life.

An Hon. Member: I question that.

Shri Harish Chandra Mathur: But it is unfortunately a fact, that instead of having any political programme their main stay is the weakness of the

Congress. They bank only upon the weaknesses and failures of the Congress. (*Interruptions*). There may be loud protests, but these loud protests have no substance. (*Interruptions*). That, unfortunately, is a fact.

Shri Surendranath Dwivedy: That does not mean that the party in power only has a positive programme and no other party has. Because one party has come into power, it does not mean that the other parties have no positive programmes. Shri Mathur should devote more time in studying the programmes of other parties before he makes such statements.

Shri Ranga (Chittoor): Sir, I would only appeal to my hon. friend not to spoil his very good speech by making these unnecessary remarks about other parties. Surely, it is not good.

Shri Harish Chandra Mathur: I think my hon. friends in the Opposition should appreciate what I have said regarding the Congress Party itself, its weaknesses and its failures, and they must be prepared to accept that their main strength is not their party programme but all the parties with varying different programmes getting together and exploiting only the weaknesses and failures of the Congress Party. This has been their only strength wherever they have achieved success. (*Interruptions*).

Mr. Deputy-Speaker: Order, order. Hon. Members will have their chance to oppose. (*Interruption*).

Shri Ranga: He is unnecessarily importing an irrelevant point. We did not interrupt him. He was making an excellent speech.

Shri Harish Chandra Mathur: I am very grateful to my hon. friend, Shri Ranga, for his valuable advice. But let him understand the political situation as it obtains in the country today. What I am saying is....

An Hon. Member: It simply does not arise.

Shri Alvares (Marmagoa): Why does he want to balance the weakness of the Congress by the exploitation of the Opposition parties?

Shri Harish Chandra Mathur: Now, Mr. Deputy-Speaker, this is why the political life in this country has gone down very much in the estimation of the people, and we have got to take a serious note of that fact.

Again, in the administration, what has happened is, there was a big vacuum and along with that vacuum what happened was that war-time controls corrupted the administration very considerably. We had to take that inheritance. Even after the war-time controls what further corroded the administration was that we had a sort of a concept of a Welfare State and a developing economy and there were further controls. So it opened fresh fields, fresh pastures for the administrative services. Then came the corrosion of the services and of the political life by unhealthy political pressures about which my hon. friends Shri Ranga, Shri Kapur Singh and others were so vociferous today during the Question Hour when I made a strong point of another aspect.

All these are factors which are before us. If we are to save democracy, if we are to inject a clean political life, we must have a certain institution which will be able to serve that purpose. What are those institutions which we have at present? My hon. friend, the Minister of Home Affairs, after all the gusto, the drive and the expectations which he created, gave us a Vigilance Commission. I may tell him that even the Chief Justice of India, the present Chief Justice of India, who speaks with all the restraint and dignity of a head of the judiciary, said that this Vigilance Commission—in a speech which I attended—will not serve the purpose for which it is meant. It will be just

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another department of the Government and we cannot expect very much from it.

Another thing about the political life is that they expect that the Home Minister will take action against ministers, the Chief Minister will take action against his colleagues. I do not think there can be any more puerile, any more ridiculous sort of arrangement to punish the ministers. Shri Deshmukh wanted certain cases to be taken up, but he could not present those cases because he was convinced there was no agency worthwhile before which the cases could be placed. I gave four or five cases to the Home Minister myself and told him that in those cases no further enquiry was necessary because from the records it was proved that action could be taken in them. 2½ years have passed and nothing has happened so far. I also told him in that letter that I was prepared to give him another half-a-dozen cases provided I was satisfied that some action, some effective action could be taken. So, this Ombudsman or the Commission for Parliamentary Institutions will have to be absolutely independent, held responsible only to Parliament, to be appointed on the recommendation of Parliament for the tenure of the period of Parliament and that effective instrument will be able to deliver the goods. This has happened in other countries, where I have got instances of Ministers, Ambassadors and high officials who have been dealt with in quick time and how the citizen has been able to find great relief through this instrument of parliamentary investigation.

15.00 hrs.

If we are to give teeth to our democracy, if we are to give spine and substance to Parliament itself, this institution is very necessary. What is happening in Parliament today? We discuss many things and allegations are thrown against ministers and senior officers; yet, no action is taken. If we just observe what has been discussed during this very session, the budget session, here as well as in the various States, serious charges have been levelled against Ministers, top officials like Chief Secretaries and others. Yet, no action has been taken and no action is likely to be taken. This creates a very bad climate. Further, this is intended not only to wipe out corruption but also to save Ministers and others from character assassination. Unless and until we have such an institution which commands the respect of the people and the Legislature, we will not be able to discharge this function.

Mr. Deputy-Speaker: He should conclude now.

Shri Harish Chandra Mathur: I will conclude in a minute. In the Constitution we have provided that the people must have social, economic and political justice and liberty. What have we provided for that, apart from law courts? And we know the functioning of law courts.

This institution of Ombudsman is not an alternative either to law courts or administrative Tribunals. It is an independent institution to take care particularly of those people who are in political authority at the highest level and in administrative authority. It is the people's watch dog, a very powerful friend of the citizen. I have not been able to conceive of any person who can be such a powerful friend of the citizen to give him justice and all that.

To my mind, the results which will flow will be that it will make Parliament and the State Assemblies really effective bodies, because instead of discussions it will provide them with an answer, it will provide them with a parliamentary officer who will pursue, who will take note of what is

happening in parliament and in the country. He is a person who can take action *suo motu*. It is not as if things have to be reported to him. He can *sue motu* take action, he can take notice of what has come out in the press, what is stated in parliament, apart from what is directly reported to him.

So, this will give real backbone and teeth and thus make our democracy strong. It will strengthen the faith and confidence of the people in Parliament and parliamentary institutions. It will save Ministers and other high officials from blackmail and character assassination, because it will give its report to Parliament of its findings. It will provide the most effective deterrent against corruption and corrupt practices. It will also guard against administrative or official excesses.

As I said, it is not an alternative to law courts. In the Rajasthan Administrative Reforms Committee we have given thorough consideration to this matter and in the report we have made clear cut recommendations as to what should be the State level and what we should do. It is time that we have done something in this direction so that we are not to go down the drains as some other countries have gone. It is time that we inject health in our political life, in our administrative services so that we can be able to see that the largest democracy has not gone that way down the drains.

Shri Ranga: Mr. Deputy-Speaker, Sir, I wish to thank both the mover of this Resolution, Dr. Singhvi, as well as Shri Mathur. So far as this House goes, I think it is Shri Mathur who has had to his credit the record of raising this subject to this importance and prominence by his questions and supplementaries and also by the Resolution that he has moved earlier to this effect. So, I personally would like to express my gratitude to both of them. I also thank one of our elder statesmen, Shri K. M. Munshi, who for the first time brought before the public the need for organising, developing and accepting this institution of Ombudsman.

This word is a strange one, a foreign one too, difficult to pronounce, difficult also to understand what it means. Similar is the word that has been coined by my friend, Dr. Singhvi. But I do not have any other word with me. So, for want of any better word, I would accept this word for the time being.

Shri Sidheswar Prasad: The word is 'Ayukta'.

Shri Ranga: This is a kind of Sanskrit which I do not understand. According to us, *Ayukta* means something undesirable; *yukta* and *ayukta*. Therefore, let us not go into that and unnecessarily waste our time.

Evidently, it is accepted by all that there is corruption in all ranks of life today, unfortunately; in all walks of life that deal with public work and public life, and it is not only the ruling party that has to concern itself about it. All political parties, all public workers, social workers, any one who is interested in the welfare of not only himself but also of other people in his own small locality or village or city, in the local politics, panchayat politics or municipal politics or State politics, all of us must take special interest in order to see that corruption is brought down. It is not only the responsibility of the Government but also the responsibility of all political parties and of all of us here. And it is from that point of view that I would like to congratulate my hon. friend, Shri Surendranath Dwivedy, Shri Hem Barua, Shri Kamath and the late lamented friend of ours, Shri Feroze Gandhi, who have played their role so effectively in Parliament by utilizing Parliamentary practices to bring to the fore some of the most outstanding instances of political corruption. It stands to their eternal credit that two Cabinet Ministers have had to resign

[Shri Ranga]

from their high posts because of the revelations that they had so courageously placed before this House and to the country through this House. At the same time, we must also see the trend of the remark made by Dr. Singhvi that there are limitations beyond which parliamentary interpolations and parliamentary procedures cannot go. Therefore, it is necessary that we should have an institution like this.

Now, who is to appoint this institution, this particular officer? The Parliament itself. Therefore, the ruling party need never be afraid of it. So long as parliamentary system continues, whether they continue or we continue or any other political party continues, the party in power will have a very big say in its appointment.

Shri Harish Chandra Mathur: There must be unanimity in its appointment.

Shri Ranga: The party in power will have a very big say. We do not want to have a major say. Anyhow, it will have such a commanding powerful say that no political party which happens for the time being the ruling party need be afraid of the consequences of allowing Parliament, helping Parliament or enabling Parliament to bring into existence such an officer.

As my hon. friend has already said it, I need not repeat it, but I do emphasise that it will safeguard the prestige and the position of every one of the members of the ruling party, their Ministers and also the leaders of the Opposition and their members in Parliament. For very good reasons, my hon. friend, the late Pandit Thakur Das Bhargava was responsible for helping Parliament to get the Offices of Profit Act passed. It has served a very good purpose. At the same time, see the limitations of it. It was because of the existence of that Act that one of our members, a prominent front-bencher on the side of the Congress was obliged to resign his membership when he accepted an important position in one of the public corporations or commissions. But then what happened? After having gone there, he continues to be one of the leaders and he continues to be in the Working Committee. How can one be expected to deal with things in an impartial manner when he happens to be the chairman of a non-political commission and at the same time continues as one of the national leaders of the ruling party? Therefore, there are limitations behind that also.

Then, what happens? My hon. friend, Shri Mathur, has already referred to it. These ministers and ex-ministers are accusing each other. There was a time when we had complete faith in the Prime Minister himself. Whenever there were any complaints that we had to make against any of the ministers, either at the Centre or at the State level, we used to refer it to the Prime Minister. But, unfortunately, for us....

Shri Harish Chandra Mathur: I said, "All-India leaders". That includes Rajaji.

Shri Ranga: Quite right. I do not know, what he means by it.

Shri Harish Chandra Mathur: Now Rajaji is speaking against the Prime Minister and the Prime Minister speaking against him.

Shri Ranga: I am not dealing with it. We had so much faith in the Prime Minister that we referred all these things to the Prime Minister. But, unfortunately, just as certain powers of the King in England had come to naught because of disuse or because of not being used, the faith that the people had reposed in the Prime Minister had come to be wasted away by the Prime Minister himself by his failure to come to grips with this particular problem and dealing

with it in an impartial, powerful and effective manner.

So, the time has now come when Parliament must make up its mind with the help of the ruling party and of the leaders of the opposition parties on this, namely, that there should be this institution which would be above the Prime Minister and which would be capable not only of prying, inspecting and examining even the activities of the Prime Minister but also of sustaining the reputation of the Prime Minister as well as every one of the Members of Parliament.

Now we must go far beyond it. There is no question of the size of this country. My hon. friend has answered it very effectively by saying that we can have one Ombudsman for every State. Therefore, there is no question of the size of this country. What is more, the so-called decentralisation through panchayats and all these things has really not brought about any decentralisation and has not brought down corruption but, on the other hand, has spread the tentacles of corruption from Delhi right down to every village at the time of elections and in the management of the panchayats and so on. Then there are the co-operatives and various other kinds of institutions that are being brought into existence through community development, panchayati raj and 101 things. We have our complaints against the Government that they are spreading their own tentacles. They say that we are trying to use them for political purposes. But what is really happening is that all these controls through the Government are increasing and so all the greater is the need for an institution like this in order to help every one who is working in every one of these institutions—democratic, independent, partisan, political, non-political, social, all these institutions—to see that all those who are placed in charge of these institutions are controlled, supervised and also sustained in their reputation. Then alone public life will come back again to its own as it used to be when Mahatma Gandhi was our leader and when it was a pride for all of us to say that we are public workers and politicians. Today most unfortunately because of the failure of the Government—I say 'unfortunately' because I was associated with them for so many years and even then I used to tell them but they did not heed my warnings which were given then in their own interest and in the national interests also in the name of Mahatma Gandhi—because of all these things today to be a politician and a public worker has come to be a very dangerous thing indeed for any one who really cares for his own reputation.

श्री सिद्धेश्वर प्रसाद : श्रीमान् मैं माननीय सदस्य, डा० सिंघवी, को बधाई देता हूं ।

डा० मा० श्री अणे (नागपुर) : माननीय सदस्य अंग्रेजी में बोलें । इस प्रश्न का सारे देश से सम्बन्ध है ।

श्री सिद्धेश्वर प्रसाद : . . . कि उन्होंने एक महत्वपूर्ण प्रस्ताव सदन के सामने विचारार्थ प्रस्तुत किया है । मैं अपने संशोधनों के साथ इस प्रस्ताव का समर्थन करता हूं ।

इस में कोई सन्देह नहीं है कि हमारे देश में भ्रष्टाचार की समस्या ने जो गम्भीर रूप धारण किया है, वह किसी विकास-शील अर्थ-व्यवस्था के लिये कोई नई बात नहीं है । जिन अन्य देशों में लोगों ने प्रजातांत्रिक प्रणाली से राष्ट्र के नव-निर्माण का कार्य अपने हाथ में लिया था, वहां ऐसी समस्याएं उत्पन्न हुई थीं । लेकिन इस में भी कोई सन्देह नहीं है कि इंग्लैंड या अमरीका, फ्रांस या जर्मनी जैसे देशों से हमारा देश कई अर्थों में भिन्न है । इस लिये हमें इस समस्या का समाधान भी उन देशों से कुछ भिन्न तरीके से ढूंढना होगा ।

[श्री सिद्धेश्वर प्रसाद]

माननीय सदस्य, डा० सिंघवी, के अतिरिक्त श्री माथुर और प्रोफेसर रंगा ने इस प्रस्ताव का समर्थन करते हुए इस समस्या के महत्व की ओर इस सदन का ध्यान आकृष्ट किया है। यदि हम चाहते हैं कि हमारे देश में प्रजातन्त्र सफल हो, तो एक ऐसे व्यक्ति की नितांत आवश्यकता है, जो ऐसे किसी भी व्यक्ति के बारे में जांच कर सके, जांच करने के बाद फैसला दे सके और सरकार को इस सम्बन्ध में उचित कार्यवाही करने के लिये राय दे सके, जिस के विरुद्ध भ्रष्टाचार की कोई शिकायत हो, फिर चाहे वह व्यक्ति कोई मंत्री हो, कोई ऊंचा आफिसर हो, हाई कोर्ट या सुप्रीम कोर्ट का कोई जज हो, जिस के विरुद्ध भ्रष्टाचार की कोई शिकायत की जाये ।

यद्यपि यह एक बहुत महत्वपूर्ण प्रश्न है लेकिन फिर भी मैं यह अनुभव करता हूं कि केवल एक लोक-आयुक्त की नियुक्ति से, अथवा इसी प्रकार राज्य-स्तर पर भी लोक- आयुक्तों की नियुक्ति से इस समस्या का समाधान सम्भव नहीं है । इसी लिये मैंने अपने संशोधनों में इस बात की ओर संकेत किया है कि यदि हम सचमुच यह चाहते हैं कि हमारे देश में भ्रष्टाचार की समस्या का कोई स्थायी समाधान निकाला जाय, लोक-आयुक्तों की नियुक्ति के अतिरिक्त हमें प्रशासन के ढांचे में सुधार करने के लिये और प्रशासन के स्तर को ऊंचा उठाने के लिए तुरन्त कोई ठोस कदम उठाना होगा ।

इस समय हमारे देश में प्रशासन का जो ढांचा है, उस को देख-सुन कर निश्चय ही बहुत दुख का अनुभव होता है । न केवल किसी काम को करने में काफी विलम्ब होता है, जिस से भ्रष्टाचार में वृद्धि होती है, बल्कि इस के साथ ही हमारे देश के नागरिकों राष्ट्रीय चरित्र का स्तर अत्यन्त निम्न होने की वजह से ऐसी बहुत सी समस्यायें उत्पन्न होती हैं जिन का समाधान आसानी से ढूंढना सम्भव प्रतीत नहीं होता है । इस लिये इन मामलों की जांच करने के लिये और कोई अधिकारी नियुक्त करने के बजाय यह बेहतर होगा कि लोक-सभा के द्वारा लोक आयुक्त के रूप में एक अधिकारी की नियुक्ति की जाय, जो कि भ्रष्टाचार के मामलों की जांच कर सके। लोक सभा हमारे देश की सर्वोच्च प्रतिनिधि संस्था है । यदि लोक सभा के द्वारा अपने कार्य-काल तक के लिये लोक-आयुक्त की नियुक्ति की जाती है, तो वह न केवल वह भ्रष्टाचार के मामलों की जांच और उन के बारे में अन्तिम निर्णय शीघ्र से शीघ्र करेगा, बल्कि उस का एक बहुत बड़ा लाभ यह भी होगा कि हम इस कदम के कारण लोक सभा में, जनतन्त्र में, जनता का और अधिक विश्वास उत्पन्न करने में सफल हो सकेंगे ।

15.18 hrs.

[MR. SPEAKER *in the Chair*]

मेरे माननीय पूर्व-वक्ताओं ने इस बात की ओर संकेत किया है कि हम लोक सभा में अक्सर तरह तरह की बातों की चर्चा करते हैं, इन चर्चाओं में भ्रष्टाचार की बात भी आती है और कोई दूसरी बातें भी आती हैं, लेकिन लोक सभा में इन बातों की चर्चा से जिस लाभ की ओर तुरन्त कार्यवाही की जाने की आशा की जाती है, वह आशा पूरी नहीं होती है । इस सदन में लगभग हर एक विषय पर अनेकों बार चर्चा होती है, लेकिन उस का कोई परिणाम नहीं निकलता है ।

अगर हम चाहते हैं कि जनतन्त्र में जनता का विश्वास और दृढ़ हो, लोग इस में ज्यादा दिलचस्पी लें और जनता से अच्छे प्रतिनिधि चुन कर लोक सभा में आयें, तो इस के लिये जनता में लोकतन्त्र के प्रति निष्ठा उत्पन्न करने के लिये यह आवश्यक है कि लोक सभा ऐसे मामलों पर विचार करने के लिए सर्वोपरि-अधिकार-प्राप्त सत्ता के रूप में

काम करे । यदि लोक सभा सर्व-सम्मत्ति से लोक-आयुक्त की नियुक्ति करती है, तो हम इस समस्या का समाधान ढूंढने में बहुत दूर तक सफल हो सकेंगे ।

जिन देशों के उदाहरण दिये गए हैं, उनकी परिस्थितियां निश्चय ही हम से भिन्न हैं और हमारा संविधान भी उनसे भिन्न है । हमारा एक संघीय संविधान है । इस की वजह से भी दिक्कत हो सकती है । लेकिन इसके बावजूद मैं अनुभव करता हूं कि हमारे देश में ऐसे लोक-आयुक्त की नियुक्ति की नितान्त आवश्यकता है और इसीलिए मैंने माननीय सदस्य, डा० सिंघवी के प्रस्ताव का समर्थन किया है ।

इस सम्बंध में मैं यह भी कहना चाहता हूं कि लोक-आयुक्त की नियुक्ति के समय हमें इस बात का ख्याल रखना पड़ेगा कि हम कैसे जनतंत्र के लिए अनुकूल वातावरण के निर्माण में सफल हो सकते हैं । जब तक हम इस बात को ध्यान में रख कर लोक-आयुक्त की नियुक्ति नहीं करेंगे और इसके साथ ही प्रशासनिक ढांचे में और लोक-सेवा के दूसरे पदाधिकारियों की नियुक्तियों में भी इस बात का पूरा ध्यान नहीं रखेंगे, तब तक केवल लोक-आयुक्त की नियुक्ति से इस समस्या का समाधान सम्भव नहीं होगा ।

इसी सिलसिले में संतानम कमेटी की रिपोर्ट की तरफ भी हमारा ध्यान आकर्षित हुआ है। निश्चय ही संतानम कमेटी की रिपोर्ट को मैं एक अत्यंत महत्वपूर्ण मानता हूं । संतानम कमेटी ने जहां ऊंचे अफसरों और मंत्रियों तथा राजनीतिक कार्यकर्ताओं में फैले हुए भ्रष्टाचार की चर्चा की है वहां इस बात की ओर हमारा ध्यान आकर्षित किया है कि बड़े बड़े पूंजीपतियों ने और उनकी जो संस्था है, चैम्बर्ज आफ कामर्स एंड इंडस्ट्री, उसने इस भ्रष्टाचार के उन्मूलन के कार्य में किसी प्रकार का सहयोग देने से इन्कार किया है । यदि किसी भी प्रकार का सहयोग हमारे देश के पूंजीपति भ्रष्टाचार के उन्मूलन के काम में नहीं देंगे तो वैसी स्थिति में भ्रष्टाचार का उन्मूलन सम्भव नहीं है । संतानम कमेटी ने स्वयं स्वीकार किया है कि ऊंचे अफसरों तथा ऊंचे तबकों में जो भ्रष्टाचार पाया जाता है, उस भ्रष्टाचार की बहुत कुछ जिम्मेदारी हमारे देश के पूंजीपतियों पर, हमारे देश के उद्योगपतियों पर है । ऐसी स्थिति में यह आवश्यक है कि इन मसलों को हल करने के लिए इस समस्या के इस पहलू की ओर भी हम ध्यान दें ।

सरकार की आलोचना बहुत की जाती है । लेकिन यह जो दूसरा पहलू है उसकी तरफ हमारा ध्यान नहीं जाता है । अखबारों में संतानम कमेटी की रिपोर्ट की बहुत चर्चा हुई है । लेकिन उस आलोचना में भी इस बात का अधिक ध्यान नहीं रखा गया है, इस ओर अधिक ध्यान नहीं दिया गया है कि किस प्रकार से सरकारी उच्च अफसरों और दूसरे महत्वपूर्ण पदों पर नियुक्त व्यक्तियों को भ्रष्ट करने में इस वर्ग का भी अत्यंत महत्वपूर्ण हाथ रहा है ।

तीसरी महत्वपूर्ण चीज जो है, वह राष्ट्रीय चरित्र निर्माण की है । इन सारी समस्याओं को हल करने के लिए मैं ऐसा अनुभव करता हूं कि जब तक हमारे देश के निवासियों का, हमारे देश के नागरिकों का राष्ट्रीय चरित्र का स्तर सामान्य तौर से ऊंचा नहीं होता है तब तक हम इस समस्या का समाधान ढूंढ नहीं सकते हैं । अक्सर ऐसा होता है कि किसी ऊंचे अफसर के विरुद्ध किसी प्रकार की अगर शिकायत की जाती है और उसके परिणामस्वरूप उसकी बदली हो जाती है तो दूसरा अफसर जो उसके स्थान पर आता है, उसके विरुद्ध भी उसी प्रकार की शिकायत होती है, इसी प्रकार की शिकायत सुनने को मिलती है । इसी प्रकार से अगर किसी दल के राजनीतिक

[श्री सिद्धेश्वर प्रसाद]

कार्यकर्ता के विरुद्ध कोई शिकायत होती है तो दूसरे राजनीतिक दल के कार्यकर्ता के विरुद्ध भी वैसी ही शिकायत सुनने को मिलती है । इसलिए यह आवश्यक है कि राष्ट्रीय चरित्र को भी उन्नत बनाने की ओर हमारा ध्यान जाए ।

इन शब्दों के साथ तथा अपने संशोधनों के साथ श्री सिंघवी के महत्वपूर्ण प्रस्ताव का मैं समर्थन करता हूं और विश्वास करता हूं कि हमारी सरकार तथा गृह मंत्री जी इस समस्या का समाधान ढूंढने में इस सदन में जो विचार व्यक्त किए गए हैं, उनकी तरफ ध्यान देंगे और कोई रास्ता निकालेंगे जिससे भ्रष्टाचार समाप्त हो सके । लोकतंत्र के सफल संचालन के लिए इस का अन्त होना बहुत जरूरी है । जो सुझाव यहां दिये गये हैं अगर उनकी तरफ ध्यान दिया गया तो इस समस्या का समाधान ढूंढने में बड़ी मदद मिल सकती है ।

Shri Surendranath Dwivedy: Mr. Speaker, Sir, I congratulate my friend Dr. Singhvi for bringing forward this resolution for discussion in the House. The time is very appropriate for such a resolution to be discussed in the House and I would have thought that if there were a larger attendance in the House, more serious thought should have been given to such a proposition. The time is past when any allegation of corruption was just taken as if made because of some malaise or some other consideration. Now it is an admitted fact that there is corruption not only limited to any sphere of administration but the whole political life. The whole political life today is demoralised and downgraded on account of corruption at all levels in political life and administration. This question is not a party question, nor can we only accuse the ruling party for all that has happened. Surely, it was the duty of the ruling party, when they took over power, to institute some machinery and to make the organisation clean and efficient. They have failed very largely because of the particular circumstances in which we live in this country and again mostly because there has been no challenge to the ruling party. As it is said, absolute power corrupts absolutely. This has been the ultimate reason for this unfortunate development.

Sir, we have a different tradition in this country so far as public life is concerned. Mahatma Gandhi generated the idea of service to the poor. That was the call to which the public worker had to devote himself entirely selflessly for the service of the poor. Actually, he popularised that spiritual incentive is much better than the monetary incentive. That was the main idea behind the movement that was launched in this country not only to free our country from foreign domination but also to help our countrymen in developing and working for a society in which everybody will have his equal share. Of course, whatever may be the feelings, I take it for granted that in this country, by and large, everybody wants that we must have a regulated development of democracy and we must have a clean administration. If that is so, the question is how it is to be achieved. I am not going into the question of grievances here and there and the complaints that we often make. The whole point is this. Today when we admit that the situation is such, how are we going to meet it? There has been some piecemeal approach. The Home Minister himself has come forward with the proposal and he has already instituted the Vigilance Commission. But, I think, that is no reply. That hardly fulfils the desire and the purpose for which it is meant. After all, it is not even a statutory body. So much thought has been given to this problem and

often times demands have been made that let there be an independent statutory authority which can go into this question of corruption at all levels and will have power and authority to inquire into and investigate the charges of corruption against any authority even including the highest authority of the President and the Prime Minister if it comes to that. We want some such authority. I think the country would have appreciated it, even if it was necessary to amend the Constitution, if the Government had provided such an authority so that the country feels that here is an authority which is independent and which can go into the question of corruption at all levels. What has been done? The Central Vigilance Commission is meant only for Government officers. It is an authority which is appointed by the Home Ministry and you know, Sir, it will have its own limitations. What we want is this. We would like to have an authority which will actually be a people's authority in the sense that it will have nothing to do with the Government. The Government will have nothing to do with it. Such an authority, I think, is provided in this resolution. We should not reject it by merely saying that the countries like Sweden and Denmark, the Scandinavian countries, are small countries, that there is personal element in this whole affair and, therefore, they can do it, but we cannot do that. I do not think that is a valid argument. If in a small country they could do it, we can amend it to suit our own country and to see how this authority can be an impartial and effective one under the existing circumstances in our country. But what appeals to me is this that in those countries where democracy is more or less established—not only democratic Government—they are proceeding towards social welfare system also because they have been able to give a clean administration to the people. They have been able to proceed in other directions. In our country, we should make an earnest attempt to see that such an institution is a success. In this resolution, it is suggested that if Parliament recommends and the President appoints the authority, or a person, then the whole Parliament is committed to such a person or an authority which is brought about. That again means that Parliament which is represented by all parties or all sections of opinion of the country is also committed to see that that authority is a success for the purpose for which it is established. This is an established fact. So, we want a person in whom people will feel really confident enough that if there is a complaint, that will be looked into. Not only that. He will *suo motu* go into any complaint in case he feels that there is not only corruption but there are also some administrative irregularities or there are arbitrary powers used.

Shri Ranga: Misuse of power also.

Shri Surendranath Dwivedy: Yes, Misuse of powers also. Even from that point of view, we can look into the matter. I can give you one instance—I am not going into details of corruption as such in this country. As you know, there is hardly a difference between the State, the political party and the Administration. If you go into the root of the question, you will find that because of this, the party in power, that holds power today feel as if they form part and parcel of the Government. There is a feeling in the administration also that if they displease Congressmen, probably, they will have no place in the administration. (*Interruption*).

An hon. Member: Is it so?

Shri Surendranath Dwivedy: It is so and it is an admitted fact. You will find in the services some young men, efficient men, clean men and courageous men. If you go to a Government servant privately and enquire from him, he will say that for an honest

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man, there is no place in the administration. If he goes in appeal for anything, nobody would listen to him. To be successful in the administration to-day, all that is needed is to be a corrupt and dishonest person. That is the run of the day. We must not close our eyes by saying that this sort of. . . . . .

Mr. Speaker: The hon. Member's time is up.

Shri Surendranath Dwivedy: What I want to submit is that not only corruption but also the Administrative lapses should be gone into by this authority. There is no distinction between the State, the political party and the Administration in our country. Democracy will be a success if a clear distinction is maintained. I know Santhanam Committee and other Committees have suggested certain measures. Again there are 'ifs' and 'buts'. They have suggested a national panel. If a complaint is made by one person, the President will. . .

Shri Ranga: Again the Home Ministry takes that up.

Shri Surendranath Dwivedy: I would suggest that this is the most acceptable and democratic method in which people have complete faith and I, therefore, request that if the Government are not in a position to accept this Resolution as such, let them assure the House that we are going to introduce an authority on these lines. Then, probably, the purpose of this Resolution would be served.

Shri N. C. Chatterjee (Burdwan): Mr. Speaker, Sir, this resolution tends to focus the attention of this House as well as of the country on the basic problems of democracy. Yesterday, you may remember that the hon. Finance Minister declared that there was a good deal of corruption not only in the taxation department but a good deal of corruption in the business world. We have got to remember that there is corruption at all levels, and we shall be failing in our duty as the representatives of the people if we do not set up a machinery adequate enough to check this expanding corruption which is the greatest evil today.

I am supporting this resolution of my hon. friend Dr. L. M. Singhvi on three grounds. Firstly, it will promote the rule of law. Secondly, it will save parliamentary democracy, and streamline it. Thirdly, I submit that it will be the best guarantee for the effective redress of people's grievances.

It is not correct that only in small countries or in the Scandinavian countries this system of Ombudsman has been invented and tried. It has also been tried in Poland. I remember that when Mr. Khruschev invited an Indian lawyers' delegation, I happened to be a member of that. Then, I met one of the biggest lawyers of England. You know him, and he is Mr. D. N. Pritt. He happened to be here. Mr. Pritt told me 'Mr. Chatterjee, when you are going to Moscow for heaven's sake, do not merely go to the Supreme Court of Moscow or do not merely talk to the Chief Justice and the judges of the Supreme Court and merely attend the people's court; but the most important thing in the entire Soviet system is the Procurator-General'. Having regard to my political past, I went to Moscow with a jaundiced mind, and I made a very critical approach, but I ought to tell you that apart from the appointment of the official delegation with the Law Minister, I had a special appointment with the Procurator-General for a number of days and I was satisfied that that was a system which was well worth trying and had done something to bring in certain elements of democratic rights in the totalitarian State.

I thought that the Procurator-General in Moscow was really meant to secure the majority party completely immune from all criticisms and from all onslaugts from any quarter;

possibly, it was meant really as a check even against judicial invasion on the majority party's rights. But I found that it was not so. Any citizen of the USSR could approach the Procurator-General for the redress of his grievances, if he made a complaint that there had been some injustice done to him either by a court of law or by a Minister or by a Supreme Court judge or by any other official in that State. I was amazed to find that in a large number of cases. the Procurator-General, took up the cause of the ordinary man and secured him redress.

This Ombudsman has been tried also in Poland, and in Poland it has been successful. You know, Sir, that it has been extended to one Commonwealth country also, namely New Zealand. At one time, we did not know whether it had been successful in New Zealand or not. But I would ask the hon. Minister to read one article which has been written by Dr. M. P. Jain of the Indian Law Institute, who is a distinguished scholar and professor. He has written an article on Ombudsman in New Zealand. New Zealand had the first appointment of this Ombudsman only, if I remember aright, on 1st October, 1962. But after a proper study, competent critices have declared their clear verdict that it has been successful. I ought to tell you that out of 26 cases investigated by the Ombudsman, in New Zealand he has succeeded in securing relief in 20 cases. The other cases have not been turned down, but they are still under investigation.

Let us not utilise this opportunitv for pointing an accusing finger to any particular Minister or on any particular political party. The other day, Shri Nanda invited the leading Members of Parliament to a conference. I am genuinely convinced that the hon. Home Minister honestly wants to eradicate corruption thoroughly and effectively. Of course, his idea is fantastic that it will be eradicated in two years. But that is a good sign of the day.

One of my colleagues in this House said that all politicians are suspect. Why are all politicians suspect? Why are all Ministers suspect? Why is there so much of graft in the public services? Will you be able to cleanse the administration unless you set up some machinery?

With great respect to Shri Santhanam, I do not think that the institution of a Vigilance Commission will be at all effective. I do not think that his recommendation of having a national panel or his other recommendation that when grave allegations are made against a Minister, there should be an *ad hoc* committee recruited from that panel, will work.

I think that this Ombudsman or a People's Procurator, will be much more effective. Any ordinary citizen should be allowed to approach him and place his grievance against a Minister, against a judge or against any officer or against any abuse of power or against any perversion of authority, and the Procurator should have the power to go into the matter and to make a report.

I ought to tell you that I had the privilege to discuss this matter with some of the greatest lawyers of England, both Lord Denning and Lord Shawcross. Both Lord Denning and Lord Shawcross have not yet finalised it but they are of the opinion that some such system is desirable and should be introduced; and they have expressed their opinion in some periodicals which have come out in England; they say that although the rule of law is very strongly established there, yet it is much better to have an independent people's tribune who will have the power to take up any cause, irrespective of the limitations of law. You know, Sir, as a lawyer and as an ex-judge, what happens in the courts. The judicial process sufferes from many limitations; particularly, it is very costly, and then there is a lot of delay, and thirdly, there is the question of limitation, *res judicata* and *lis pendens* and all those old maxims which operate. But the Pro-

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curator is free from all this. There is no limitation when there is a question of corruption; there is no question of *res judicata* when there is a question of graft or any abuse or perversion of power or of authority.

An Hon. Member: The question of evidence also?

Shri N. C. Chatterjee: When we are thinking of an expanding welfare State, it is bound to happen, whether we like it or not, that the Ministers and other people will have expanding power and authority, and there is greater chance of abuse. 90 per cent of matters are disposed of below the ministerial level. Therefore, there is a greater chance of abuse there, because they are handled by subordinate officials. Therefore, it is imperative that we should now take up the matter seriously; if we honestly want a real parliamentary democracy, if we honestly want to weed out corruption, then there must be a public censor who will have the competence to go into it, a man of unquestioned integrity, who can easily find anything out and who will have the courage and wisdom to probe into the matter; there is no question of his not looking into evidence; he will certainly maintain the essential norms of judicial procedure. He will certainly give the a hearing. *Audi alteram partem* is the basic principle of all fairplay; no man should be condemned unheard. Therefore, he will certainly give that man a complete opportunity of defending himself or vindicating himself.

Therefore, I submit that this is a resolution which should be accepted by the Government and by the House.

श्री सिंहासन सिंह (गोरखपुर) : अध्यक्ष महोदय, गांधी जी ने राजनीति के बारे में कहा है :

"मेरे लिए धर्म शून्य राजनीति महा गलीज चीज है, हमेशा दूर रहने लायक है।"

आज दुर्भाग्य है कि हमारी राजनीति धर्म-शून्य हो गयी है, आचरण-शून्य हो गयी है ।

श्री यशपाल सिंह (कैराना) : धर्म निरपेक्ष का अर्थ तो यही है ।

श्री सिंहासन सिंह : आज सन् १९४७ से लेकर १९६४ का समय बीत गया । हमें आशा थी कि कांग्रेस के राज्य में क्योंकि गांधी जी के पदचिन्हों पर चलने वाले लोग शासनारूढ़ होंगे, इसलिए किसी प्रकार की गड़बड़ी और किसी प्रकार की दुरवस्था नहीं होगी । लेकिन आज उसका उल्टा हो रहा है ।

आज जो प्रस्ताव सदन के सामने रखा गया है वह अपने स्थान पर उत्तम होते हुए भी पर्याप्त नहीं है । अगर आज पार्लियामेंट आमबुड्समैन नियत भी कर दे तो काफी नहीं होगा क्योंकि हमने कुछ ऐसे मौलिक क़ानून बना रखे हैं जिन के कारण यह दिक्कत हमारे रास्ते से दूर नहीं हो सकती । उदाहरण के लिए हमने अपने संविधान में धारा ३११ बना रखी है । इसके अनुसार हम किसी सरकारी अधिकारी के खिलाफ कोई कार्रवाई नहीं कर सकते इसके पहले कि उसको नोटिस दिया जाए । उसके बाद उस को दूसरा नोटिस देना होता है कि उसको सजा क्यों न की जाए, और अगर इनमें कहीं कोई खामी रह गयी तो वह आदमी छूट जाता है, चाहे उसने कैसा भी जघन्य अपराध क्यों न किया हो, चाहे उसने कितनी भी घूस क्यों न ली हो ।

हमारी सरकार ने कागज में तो इसके लिए बहुत नियम बनाए हैं कि यह बुराई दूर हो । हमने सन् १९४८ में ही एक प्रिवेंशन आफ करप्शन ऐक्ट बनाया । यह करप्शन को रोकने के लिये बनाया गया और उसमें बस चोरी को कागनिजेबिल आफेंस बना

दिया यानी ऐसे केस में पुलिस मुकदमा चला सकती है । लेकिन इस कानून में दफा ६ लगा दी जिसके अनुसार मुकदमा साबित होते हुए भी किसी अधिकारी के खिलाफ कार्रवाई नहीं हो सकती जब तक कि उस अधिकारी को नियुक्त करने वाला इसकी स्वीकृति न दे कि इस पर मुकदमा चलाया जाए । चाहे किसी अधिकारी पर घूस का केस साबित होता हो लेकिन उस पर तब तक मुकदमा नहीं चलाया जा सकता जब तक कि उसको नियुक्त करने वाला इसकी स्वीकृति न दे । अब यह नियुक्त करने वाला केन्द्रीय सरकार भी हो सकती और प्रदेश सरकार भी हो सकती है । इसका नतीजा यह है कि एक छोटे से क्लर्क से ले कर सेक्रेटरी तक पर मुकदमा नहीं चलाया जा सकता । मैंने सदन मे पहले भी कहा था कि जब तक इस दफा को नहीं हटाया जाएगा तब तक करप्शन बन्द नहीं हो सकेगा । यह दफा करप्शन को रोकती नहीं बल्कि बढ़ाती है । इसी प्रकार संविधान की धारा ३१४ आई० सी० एस० आफिसर्स को प्रोटेक्शन देती है । उनके खिलाफ हम कुछ नहीं कर सकते । पंजाब में इस तरह का मामला उठा, उसमें कहा गया कि प्रदेश सरकार इन लोगों के मामले में कुछ नहीं कर सकती । अब यह सवाल है कि केन्द्रीय सरकार कर सकती है या नहीं । केन्द्रीय सरकार कुछ कर सकती है या नहीं यह तै नहीं है । तो इस प्रकार संविधान की ३११ और ३१४ धाराएं हमारे रास्ते में बाधा डाल रही हैं । हमने स्वयं सरविसेज को इस प्रकार बचाव की गारन्टी दे रखी है । संथानम ने भी अपनी रिपोर्ट में कहा है कि ये धाराएं हमारे लिए सहायक नहीं बल्कि बाधक हो रही हैं । इसी प्रकार प्रिवेंशन आफ करप्शन ऐक्ट की धारा ६ है ।

प्रिवेंशन आफ करप्शन एक्ट की दफा ५ में लिखा है कि यदि कोई अधिकारी अपनी आमदनी से ऊपर रहन सहन पर खर्च करता है तो यह मान लिया जाएगा कि वह करप्ट है । मैं सरकार से पूछना चाहता हूं कि इस प्रकार कितने आदमियों पर मुकदमे इस धारा के अधीन चले हैं । हम देखते हैं कि बहुत से अधिकारी अपनी आमदनी से ऊपर अपने रहन सहन पर खर्च करते हैं । इसी कारण शासन के प्रति लोगों में श्रद्धा नहीं रह गयी है । आज माथुर साहब ने भी कहा कि शासन के प्रति लोगों में श्रद्धा नहीं रह गयी है । शासन के प्रति लोगो में श्रद्धा तभी हो सकती है जब कि वह शासकों को पवित्र देखें । आज के बल सरविसेज पर ही अंगुली नहीं उठायी जा रही बल्कि विधायकों और मंत्रियों तक पर अंगुली उठायी जा रही है । रोज हम अखबारों में पढ़ते हैं कि फलां मंत्री ने यह किया फलां ने वह किया, फलां विधायक ने यह किया, फलां विधायक ने वह किया । आज जब हमारे ऊपर ही अगुंली उठायी जा रही है तो हमें अपनी ओर भी देखना चाहिए और अपनी बुराई को दूर करना चाहिए । इसीलिए मैं कहता हूं कि यह प्रस्ताव अपनी जगह पर उत्तम होते हुए भी काफी नहीं है ।

नन्दा जी ने बड़े गर्व के साथ कहा है कि हम दो वर्ष में करप्शन को दूर कर देंगे । हम चाहते हैं कि वह ऐसा कर सकें । लेकिन रास्ते में दिक्कतें हैं । हमने जो कानून बना रखे हैं वे हमारे रास्ते में सहायक नहीं बाधक बन रहे हैं । उनको पहले दूर करना चाहिए ।

एक समय विधायकों के लिए कहा गया था कि अपना अपना हिसाब दें । लेकिन इस सिलसिले में ज्यादा कुछ नहीं हुआ । कांग्रेस कमेटी ने भी इस दिशा में कुछ कार्रवाई नहीं की । कुछ लोगों ने अपना हिसाब दिया लेकिन उसके बारे में जांच पड़ताल नहीं हुई कि इसके पास तीन लाख से ९ लाख कैसे हो गया या तो तीन हजार से एक लाख कैसे हो गया । मेरा तो ख्याल है कि जब हर एक पार्लियामेंट का सदस्य अपने पद की शपथ लेता है उस समय उसको अपनी

[श्री सिंहासन सिंह]

प्रापर्टी भी डिक्लेयर करनी चाहिए । उसे बताना चाहिए कि इतनी उसकी प्रापर्टी है और इतनी उसकी आमदनी है । ऐसा नहीं होगा तब तक जनता में शासन के प्रति आस्था नहीं होगी । और तभी सरविसेज में भी सुधार होगा ।

संथानम कमेटी ने अपनी रिपोर्ट में कहा है कि अगर पंचवर्षीय योजना में ५ परसेंट का भी घाटा होता है तो १ अरब २४ करोड़ रुपये का घाटा होता है । अगर यह घाटा दस या १२ परसेंट हो तो और भी ज्यादा बड़ा घाटा होगा हम यह रुपया बाहर से ले कर और भीतर से लेकर खर्च करते हैं और यह इस तरह से बहा जा रहा है । कहीं देखते हैं कि जो मकान बनाया गया है वह गिर रहा है, कहीं कुछ देखते हैं ।

अन्त में मेरा सुझाव है कि अगर हम करप्शन को दूर करना चाहते हैं तो हमको संविधान की धारा ३११ और ३१४ को निकालना चाहिए और इंडियन पीनल कोड की धारा १६१ से १६५ के अनुसार सिटीजन को रिश्वत के मामलों में अधिकारियों पर केस चलाने का अधिकार होना चाहिए । अगर आप ऐसा नहीं करेंगे तो आप करप्शन को दूर करने में सफल न होंगे और रोज गालियां सुनेंगे ।

विरोधी पक्ष के माननीय सदस्य माथुर साहब से नाराज हो गए, लेकिन इस मामले में हमारी और उनकी पोजीशन समान है । हम सबकी जिम्मेवारी है कि इस बुराई को दूर करें। लेकिन हम देखते हैं कि आज जितना इस मैल को धोने का प्रयत्न किया जाता है उतना ही यह बढ़ रहा है ।

Shri S. N. Chaturvedi (Firozabad): I welcome this resolution which Dr. Singhvi has moved, because most of the ills from which we are suffering today arise from pervasive corruption in almost every department of our life. Sometimes it is said that when the whole atmosphere is corrupt, how can you expect the services to be otherwise, they also represent the general level of morality. But this vicious circle has to broken, and those who are paid to be honest must set an example and lead the way. That applies equally to Members of Parliament, Ministers and others occupying positions of power.

In our Constitution, we have promised the establishment of justice, social, political and economic, in this country, but it appears that in this process, the very instruments by which this is to be brought about are being tainted, and even elementary justice has gone by the board.

In the law courts, justice is beyond the reach and means of the commonman, not only because litigation is very expensive, but also because palms have to be greased at every stage, for every minor thing that has got to done, howsoever legitimate.

So far as administrative abuse is concerned, there is not even proper forum to which people can go and ventilate their grievances. So many persons knock in vain at the doors of departmental officers. In rare cases they get a patient hearing, rarer still impartial justice. By and large, the answer to the common man is that the saheb is otherwise busy. How many persons, when they are aggrieved, find access to superior officers?

Even Parliamentary procedure does not provide ample remedy for this. It is much too complicated and cumbersome, and it is not always possible to bring people's grievances for redress here. So, an impartial tribunal or a person who is absolutely unconnected with and independent of the executive, is very necessary.

The Santhanam Committee made its recommendations almost on the lines of the Ombudsman. It is only

in the transition period that this Vigilance Commission is to remain attached to the Home Ministry, but after the necessary legislation it will be directly under the control of Parliament, if we read through the recommendations, we find that it also recommended a Directorate for the redress of complaints and grievances of the common man as part of the Commissioner.

I submit that administrative reform cannot replace the need of an Ombudsman or of an officer who can function as a grievance man.

Although we are thinking, in terms of a Welfare State, what do we find in practice? The woes of the common man are multiplying because the administration touches him at numerous points.

How much time have I got?

Mr. Speaker: Six or seven minutes.

Shri S. N. Chaturvedi: How much have I taken?

Mr. Speaker: About six. He may have one or two more minutes.

Shri S. N. Chaturvedi: Even grants, subsidies and loans under welfare schemes are made available to him at a price. All this results in waste and misdirection of the resources, distortion of our economic policies and plans. Production is hampered and the quality of work deteriorates. Artificial shortages are created, and costs increased; productivity and output decline. Where money and influence count, there is no incentive for honest and hard work. Worth and merit languish and go unrecognised and unrewarded, while cunning and manipulation forge ahead in every sphere, which undermines the morale of the people and gives them a sense of frustration and helplessness. Extra burdens are thus imposed on the common man. How then can he feel the inspiration to give his best, how can there be a release of that mass energy which is required for a dynamic and progressive State?

I submit that under these conditions despite our best intentions, it all makes a mockery of the Welfare State. With the ever-expanding sphere of State activity and a corrupt administration, not all the trappings of democracy can save it from degenerating into a virtual tyranny.

"Bureaucracy", says Straus, "is one of the most prominent monsters of our time", and adds:

> "Its shadow hovers over all organised efforts of modern man, but its most frightening aspect is due to an intimate alliance with Leviathan itself—the State."

This is the feeling in countries where corruption is practically absent. The pernicious effects of this alliance where corruption is rampant and pervades every department of Government can scarcely be imagined.

So, I welcome this resolution, and hope that the Government will take steps to implement it.

Shri S. M. Banerjee (Kanpur): I rise to support the resolution moved by my hon. friend Dr. Singhvi. I congratulate him on bringing this resolution in such a nice manner, and it convinces almost every Member of this House that such a body is not only desirable, but essential.

Mr. Speaker: It may be a very nice manner, but the length of the resolution is certainly open to objection. I allowed this as a special case. Ordinarily I would not allow such a long resolution in this form.

16 hrs.

Shri S. M. Banerjee: Very kind of you.

I take this opportunity of referring to the Vigilance Commission and also the report of the Santhanam Committee. The tall talk about eradicating corruption from the country within two years reminds me of the story

[Shri S. M. Banerjee]

of the eradication of malaria from the country. It says that malaria will be eradicated, but the mosquitoes will be there. So, I hope it may not be on the same analogy that corruption will be eradicated, but the corrupt people will be still holding offices in our Government. Because, we feel that there are numerous cases where the Ministers' integrity has been questioned. Recently, I was reading with keen interest a pamphlet issued by someone quoting Sheik Abdulla's utterances where he stated that nearly 700 route-permits had been given to many politicians and high-ups both in Delhi and Punjab during the Bakshi regime. I do not know the truth of it. But surely this deserves immediate investigation and enquiry. My attention was also drawn to the auctioning of CD cars in Delhi. You remember a lot of questions were raised in this House and the manner in which these cars were sold by the diplomats was questioned. Ultimately it was decided that the STC should auction these cars and I am told that a Minister of the Cabinet rank had purchased a car worth Rs. 80,000 recently. How a Minister can get Rs. 80,000? This deserves investigation. I would request my hon. friend Shri Hathi to let us know whether Ministers are in a position to purchase cars worth Rs. 80,000. I do not mention names. There are sweeping charges against the ex-Chief Minister of Orissa.....

Mr. Speaker: We are going from Delhi to Orissa and other places.

Shri S. M. Banerjee: I shall come back to Delhi very soon. In this House it was mentioned that there were certain charges against the Deputy Minister and the same charges were referrd to the Attorney-General. I raised the question why similar charges were not investigated in the case of the other Chief Minister, for instance, Orissa Chief Minister, Punjab Chief Minister, the ex-Prime Minister of Kashmir and so on. Why were these cases not referred to the Attorney-General? It is the pull that matters. I would request hon. Minister to give his specific objections to accept this Resolution which will cater to the need of the people and improve administrative efficiency and at least minimise corruption in the country in administrative services, ministerial and legislators. If the backbone of the country is broken, it is only because of the deep-rooted corruption in our administration. If you go to the Chelmsford Club or any other club, you will find small officers, low-paid officers, playing rummy with the wives of senior officers and just losing money. They should not win. Immediately they win, their confidential report is spoiled. Poor fellows have to go to the club and lose some money at the cost of their happiness, of their family, of their children and they must lose to the wives of senior officers.

Mr. Speaker: Why should they go at all?

Shri S. M. Banerjee: I can only wish, Sir, that your observations are conveyed to them. We must remember that they have to serve in the corrupt administration. I am mentioning this case because I have seen during my seventeen years of service as a small administrator in a particular department and I have seen how various administrators function. My feeling is that corruption will go only if we uproot it from the top. Right from the Prime Minister, every one should be interested to see that if we cannot eradicate or root-out corruption, let us minimise it. That is possible and I hope this Resolution will be accepted without any hesitation on the part of the Government.

श्री यशपाल सिंह : माननीय अध्यक्ष महोदय, मैं डा० सिंघवी को हृदय से मुबारकबाद देता हूं कि उन्होंने देश की सब से बड़ी जरूरत को पूरा करने के लिए कदम उठाया

है । सरकार से भी मेरा निवेदन है कि इतने इन्नोसेंट प्रस्ताव को वह यूं ही न टाल दे, बल्कि इस को मन्जूर करे, क्योंकि सरकार और पब्लिक दोनों को इस की जरूरत है । जब तक हम इन्साफ़ के लिए कोई कदम नहीं उठायेंगे, तब तक हम कानून को किस तरह से मनवा सकते हैं ?

मैं किसी पर एतराज़ नहीं करता हूं, लेकिन मैं देखता हूं कि कल जो सरकार में थे, दूसरे मिनिस्टरों के साथ जिन की ज्वायंट रेस्पोंसिबिलिटी थी, जिन के देखते हुए प्रिवेंटिव डिटेंशन एक्ट बना था, जिन के देखते हुए डिफेंस आफ इंडिया रूल्स बने थे, जिन के देखते हुए यह कायदा बनाया गया था कि किसी को भी उठा कर जेल में बन्द कर दिया जा सकता है, न अपील, न दलील, न वकील, चूंकि आज वह सरकार में नहीं रहे हैं, इसलिए आज वह सुप्रीम कोर्ट और हाई कोर्ट में खड़े हो कर वकालत करते हैं कि ये कानून इनह्यूमैन, इल्लीगल और अनकांस्टीट्यूशनल हैं ।

इसलिए ऐसी कोई एथारिटी ज़रूर कायम करनी पड़ेगी, जो मनुष्य के आचार पर, मनुष्य के राजनीतिक जीवन पर निगाह रखे और यह देखे कि कल उस ने क्या कहा था और आज वह क्या कह रहा है । हमारी राजनीति ऐसी नहीं है कि कहीं से हम को कोई नौकरी मिल गई, कहीं से कोई मेहनताना मिल गया, तो हम अपने उसूलों को बदल दें । उसूलों को बदल देने से समाज का पतन होता है ।

माननीय सदस्य, डा० सिंघवी, का यह कहना बिल्कुल सही है कि जब तक सरकार इस बारे में सही कदम नहीं उठायेगी, तब तक किसी तरह भी सुधार नहीं हो सकता है । जिन देशों ने अपनी डेमोक्रेसी को जिन्दा रखा है, उन्होंने अपने नैतिक स्तर को भी ऊंचा किया है । मैं आप को जापान का उदाहरण देना चाहता हूं कि वहां पर सिर्फ़ इतना हुआ कि एक शख़्स को स्टैब कर के, छुरा घोंप कर, ख़त्म कर दिया गया और इस पर जापान का होम मिनिस्टर मुस्तफ़ी हो गया । उस ने कहा कि मुझको मिनिस्टर रहने का कोई अधिकार प्राप्त नहीं है, क्योंकि मेरे अधीन देश में ऐसी घटना हुई कि एक बेगुनाह शख़्स को छरा घोंप कर ख़त्म कर दिया गया ।

यहां सरकार की आंखों के सामने दिल्ली में न जाने कितनी डकैतियां, कितने कत्ल और अपहरण (अगवा) होते हैं, लेकिन . . .

अध्यक्ष महोदय : माननीय सदस्य ने जापान के सिर्फ़ एक केस का जिक्र किया है । वहां पर ऐसे बहुत केस होते हैं ।

श्री **यशपाल सिंह** : वहां के होम मिनिस्टर ने इस बुनियाद पर इस्तीफ़ा दिया कि उस ने अपने आप को ना-अहल समझा । यह दो चार साल पुरानी बात नहीं है, बल्कि इसी साल की बात है ।

इंग्लैंड में मिस कीलर ने एक ख़त लिखा था, जिस से वहां के प्रधान मंत्री का बिल्कुल कोई ताल्लुक नहीं था, लेकिन उस ख़त में थोड़ी सी ऐसी गंध थी, जिस से वहां के प्रधान मंत्री पर लांछन आता था । इस आधार पर वहां के प्रधान मंत्री ने इस्तीफ़ा दे दिया ।

हमारे देश में ऐसा कोई दंड-विधान नहीं है, ऐसी कोई आचार-संहिता नहीं है, जिस के अन्तर्गत ऐसे शख़्स को सज़ा दी जा सके, जो समाज में दुराचार और भ्रष्टाचार फैलाता है, जो खुद करप्ट है और लोगों को करप्ट बनने की तरग़ीब देता है । हमारे यहां ऐसी कोई एथारिटी नहीं है, जिस के पास जा कर हम ऐसे शख़्स की शिकायत दर्ज करा सकें और उसे सज़ा दिला सकें ।

हमारी आंखों के सामने सिगरेट के एडवरटाइज़मेंट लगे हुए हैं, बड़े बड़े बोर्ड लगे हुए हैं । सिगरेट पीना हमारे धर्म के विरुद्ध है, लेकिन उस की नुमाइश की जाती

[श्री यशपाल सिंह]

है, एग्जहिबिशन की जाती है, उस का एडवरटाइज़मेंट किया जाता है । आज डाल्डा और कोटोजम के बोड लगाए जाते हैं, व्हिस्की और वाइन के बोर्ड लगाए जाते हैं । और फिर कहते हैं कि यह महात्मा गांधी की भूमि है, ऋषि-मुनियों और गुरुओं की भूमि है ।

इन बातों का समूलोन्मूलन करने के लिए, नाश करने के लिए और आज के करप्शन को खत्म करने के लिए वाकई एक ऐसी एथारिटी की ज़रूरत है, जिस का ज़िक्र डा० सिंघवी ने किया है । वह एथारिटी पार्टी-पालिटिक्स से बिल्कुल ऊपर हो । जिस तरह हम अध्यक्ष महोदय के सामने खड़े हो कर हर एक बात कह सकते हैं, चाहे वह कांग्रेस पार्टी के ख़िलाफ़ हो और चाहे हमारी पार्टी के ख़िलाफ़ हो, उसी तरह से वह एक ऐसी एथारिटी होगी, जहां जा कर हम बग़ैर किसी हिचकिचाहट के अपनी फ़रियाद कर सकेंगे ।

हम देखते हैं कि कोई डकैती होती है और जो व्यक्ति उस की रिपोर्ट दज कराने के लिए जाता है, उस से रुपया मांगा जाता है । हमारे मानव धर्म-शास्त्र का, हमारी याज्ञवल्क्य स्मृति का कथन है कि अगर किसी के यहां डकैती पड़ती है, तो सरकार उस का नुक्सान पूरा करे । जब वह सरकार को टैक्स देता है, तो उस की हिफ़ाज़त की ज़िम्मेदारी सरकार पर है और जितना उस का नुक्सान हो, उस को सरकार पूरा करे । यहां उलटा हिसाब है । जिस के यहां डकैती पड़ती है, उस को साबित करने का भार भी उसके ऊपर है, कोर्ट फीस भी उस के ऊपर है, तमाम जितनी परेशानियां हैं, वे भी सब उस के ऊपर हैं और उस को हमेशा उलटे डर लगा रहता है कि मैं कहीं डकैती में फंसा न लिया जाऊं । इस नौकरशाही को खत्म करने के लिए, इस ब्यूरोक्रेसी को खत्म करने के लिए सब से ज्यादा जरूरी है कि श्री सिंघवी ने जो तजवीज़ हमारे सामने रखी है, उस को मान लिया जाय और देश को भ्रष्टाचार से बचाया जाय ।

The Minister of State in the Ministry of Home Affairs (Shri Hathi): Sir, it really an important resolution and it has provided an opportunity to think on the subject, which is uppermost in the minds of the Government and the people in the country. Apart from whether I may accept it or not, I very much appreciate the intentions of the hon. mover of this resolution. It has given an opportunity to the House to consider this question and in a number of ways it has really been useful.

I may assure the hon. Member that we have not in the least taken his resolution in any spirit of ill-will. While moving the resolution, he remarked.

> "I do not wish to point any accusing fingers at any one. It is not my intention to censure the civil service or its sins of omission and commission. It is not my purpose to impute the motives which impel politicians to act in a particular manner".

I can assure him that I have taken his resolution in the spirit in which he has been inspired to move it. The question of eradication of corruption, of administrative reforms and dealing with public grievances and allied subjects has been considered by Government for sometime past. It is not that the Government is not alive to the importance of this question A good, neat and pure administration is required and unless the Government is able to give a neat and clean administration, it cannot survice for a long time. If there have been delays, the causes of the delays have to be looked into. If there is corruption, the causes of the corruption have to be looked into. If there are grievances

of the people, they have to be looked into. This question has been considered since a good time and various suggestions have been made. One of these suggestions was the appointment of a privy council to advise the President, an idea which was mooted by Shri B. N. Rau. Then there was another idea also. It was the setting up of an independent tribunal to enquire into complaints against high-placed members of government and public services. Shri C. D. Deshmukh had given this idea. The hon. mover also referred to the speech of the Chief Justice of India, Shri Gajendragadkar. He gave the idea of transplanting the Ombudsman of Sweden. Then the idea of having an administratives tribunal was given by the Law commission. The Estimates Committee of this House also gave the suggestion that a special officer to investigate into the complaints be appointed to work under the Prime Minister. Then, the present Home Minister has also in an article entitled "Redress of Grievances" recommended, among other things, the setting up of a committee of Parliament to look into complaints. The Prime Minister also has supported that there should be a machinery which should look into all the grievances of the people and there should be a machinery to look to the administrative reforms also.

It was for this purpose that the Government appointed a committee known as the Santhanam Committee. The Santhanam Committee has made several recommendations. These recommendations are under the consideration of the Government. But, in the meantime, in order to show the sincerity of the Government to tackle this question as quickly, as early and as effectively as possible, the first and the important recommendation, namely, that of the appointment of a Vigilance Commission, has been accepted, and the Vigilance Commissioner is functioning.

So far as the administrative reforms are concerned, we have taken some steps. A separate department in the Ministry of Home Affairs has started functioning, which will take into consideration the various recommendations which have been made from time to time by various individuals and various committees. It is alo an important aspect of the Santhanam Committee's report and it is also envisaged by the mover of this resolution.

I do not think, there is anybody either on this side or on the other side who is not keen to achieve this object. How far that could be achieved, in what manner it could be achieved and how quickly it could be achieved is a different matter. But everyone is agreed on this, that there should be a clean, neat and pure administration devoid of corruption and every man should have a right to get his grievances redressed.

It is really gratifying that today we have diverted our attention to something which perhaps on very few occasions we give our mind to, namely, that of the moral character, the code of conduct of Members of Parliament, the code of conduct of legislators, the code of conduct of ministers, the code of conduct of public officials and the moral and the national character. It is really the national character which will either bring good name and fame to the country or will drag us to somewhere we do not know. It is that national character which is of utmost importance, and I am, at least personally, happy that today we have all been thinking in terms of moral character and national character. Unless that fabric of national character and moral character is woven to that strength, to that requisite strength, no man or any administrative machinery can improve the present circumstances through which we are passing. It would be wrong to think that when

[Shri Hathi]

one such officer is appointed by this House, he will be able to do everything and he will work like a magic wand. It is wrong. Even if we appoint an officer, in this vast country with so many political trends, with so many people trying to do something against another, he will not be able to give us that result which we all sincerely want. Therefore it is that I am happy that atleast two of the members who have spoken have spoken on the importance of character building. Although the Santhanam Committee's report has not yet been discussed, I am sure hon. Members have with them copies of it or at least they gone through it.

16.20 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

Shri Surendranath Dwivedy: We have not received copies of it.

Shri Hathi: Probably it is under print. As soon as it is available, it will be circulated to the hon. Members.

He has also dealt with the code of conduct for the Members of Parliament, for members of State Legislatures and politicians. That is very important.

The Home Minister had announced that he will eradicate corruption within two years. There is all the sincerity behind his expression and he does want it. As hon. Members, leaders of various political parties, know he had convened a meeting of all the parties. Shri N. C. Chatterjee has also referred to that. But then there was one difficulty, and the difficulty was, though the members themselves were very keen in their individual capacity to work on the committee, perhaps on political grounds they cannot work on such committees.

Shri Surendranath Dwivedy: May I correct the misunderstanding? Because there were no concrete proposals as such when we met and the only question was whethr we would serve on the Central Sadachar Samiti we though that *sadachar* will better do without political parties.

Shri Hathi: Let us not fight the *sadachar samiti*. It is not a question of our liking or disliking the word *sadachar*. The object of everybody, including Shri Ranga,who have spoken today is, whatever may be the functions of that body—on which, each one had a different idea—its object is to help the people, to meet together and try to screen the complaints from the public and pass them on to the Vigilance Commission or some such machinery which is sought to be evolved. Whatever it may be, I do not want to raise that controversy, if at all it creates or raises that controversy; I do not want to touch on that. But what I want to impress once more is this. The Santhanam Committee has dealt with all these things. It has to be discussed and the machinery has to be evolved; whether it may be a national panel, whether it may be something else, whatever it is, we will have to consider the various proposals and see how far they would be consistent with the conditions in the country, the position under the Constition and so on. But, I for one am not going to put as an argument that because of the constitutional difficulty we cannot do it. I, on my part, would not bring that as an obstacle or reason for not accepting the Resolution.

But, Sir, as you will see, this Resolution has six important objects in view, and they are, the eradication of corruption, redressal of administrative wrongs and excesses, securing the liberties of citizens, strengthening the basic foundations of parliamentary democracy as a system of government and so on. These are some of the objcts, and very laudable objects I should say.

But if we take into consideration the functions of the Vigilance Commission, they are nearly the same as expected of this machinery. The

Central Vigilance Commission would in fact be performing the functions of the Ombudsman in respect of corruption or that of integrity of public servants. It has also the powers to investigate any complaint against a public servant who has exercised, or refrained from exercising, his power for improper or corrupt purposes.

That is one main or important thing which this Resolution aims at.

Now, it has been argued that this Vigilance Commission is under the Home Ministry and it may work as an attached office. But tne Committee has recommended that it should be something like a statutory body, such as, the Union Public Service Commission or the like. But before it could be given that status, we thought that rather than wait till all these formalities are undergone, it would be better if something starts. It is always better to start in right earnest rather than wait till a particular thing is done and not do anything at all. For that purpose it had been done.

Then, the question of evolving a suitable machinery for dealing with the grievances of the citizens against the administration will be separately examined and the Department of Administrative Reforms which will start functioning soon will work out the details of this machinery. So, the second important function which this Resolution aims at is also under the consideration of the Government.

So far as the question of rights of citizens is concerned, we have got various provisions in our Constitution which give the rights and opportunity to the people to move any court. Anybody can move the highest court and get his grievance redessed. But what has been argued is that this is a costly affair and every man cannot....

Shri Sinhasan Singh: Nobody can move a court of law against any official without the permission of the appointing authority.

Shri Hathi: I am not talking of a citizen moving a court of law against an officer. This is about the redress of wrongs so far as his civic rights are concerned. So far as the officer is concerned, I think, the hon. Member has in mind article 311 of the Constitution. There also, if you have seen the Santhanam Committee Report, you will find that they have made certain recommendations. But what the hon. Member wants to refer to is article 311.

Shri Sinhasan Singh: Section 6 of the Prevention of Corruption Act.

Shri Hathi: These are administrative matters. There are certain legal difficulties which have to be removed. That is exactly what I say. The other thing is fundamental.

So, on the whole, I agree with the fundamental or important objects which have been enunciated in the Resolution and which the hon. Member wants. Everybody on this side and on that side agrees with the importance of having some machinery to redress the grievances of the people whereby people can get administrative reforms and corruption would be eradicated. With all these objects everybody agrees. The question is as to what type of machinery it should be, whether this particular machinery, namely, the Ombudsman, would be a feasible thing here because a person—one man—should be unanimously appointed by both the Houses. If we have one such man, naturally, it would not be possible for one man to deal with the number of cases that would come up. If we look to the type of cases which they have taken up in those countries, we will find that there are a number of or variety of cases. One man may not be able to cope with this.

To that the reply is that it may be that for each State we can have one. That means, all the legislatures of the

[Shri Hathi]

country should appoint each one of them. I am not arguing this with a view to oppose this; I am arguing this with a view to put it in a practical way. Different standrds, different decisions, different judgements and different codes will be evolved by 15 or 16 different people. Now, that is also an idea a thing to be done, to look to whether we will have one set or 15 sets in the country or how we will do it. Therefore, all these questions have to be considered and considered in a way so that we are able to evolve a system which will satisfy and suit the conditions in this country. I am not at all going to say that it would be impossible to do it. But I would say that perhaps it will not be practicable. It is why that though I fully appreciate and sympathise with the principles laid down in the resolution. I feel that the way in which it is sought to be implemented either by constitutional amendment or by legislation or by so many other things may not be, at present, practicable. Moreover, we have before us a very good report which the Santhanam Committee has submitted and which is now before the House. Let us also consider that report and after discussing that, whatever the House decides as being in the interest of the country, I do not think the Government will object to that approach which would try to get the result which we all aim at. I, therefore, request the hon. Member, through you, Sir, that he should be pleased to withdraw the resolution.

Dr. L. M. Singhvi: Mr. Deputy-Speaker, Sir, I am grateful to my esteemed colleagues in the House who have participated in this discussion. I am also grateful to the hon. Minister of State for Home Affairs who has intervened in a constructive spirit. It was never my purpose to claim that the institution of Ombudsman would be a panacea for all our administrative ills. It was not my purpose to claim that once this institution is brought into existence, we will be able to bid final farewell to all our problems of corruption or problems arising from unredressed grievances of the common citizen. The House has witnessed today a powerful and unanimous consensus of opinion. A galaxy of eminent Members of Parliament have participated in this discussion and they have lent the support of their powerful opinions to the underlying idea of my resolution. This should be the greatest persuasive force, the greatest sanction, on the Government for accepting the underlying idea of my resolution. I am sorry that the Minister has not found it possible to accept the resolution as it has been moved. It was not my intention to insist on the various details which I have incorporated in my resolution. These details were incorporated mainly to give hon. Members an idea of the broad outlines of the proposed institution. I would certainly think that it is in this spirit that hon. Members of this House have participated in this discussion and have lent their support to this resolution.

I would once again appeal to the hon. Minister to say in unequivocal and clear terms that he accepts the principles of the resolution as embodied in the first part of the resolution which only calls upon the Government to enact suitable legislation for bringing an institution for the redress of people's grievances and for the maintenance of parliametary democracy.

The institution of Ombudsman, as has been rightly emphasised by eminent Members who participated in this discussion is the legitimate offspring, a conceptional corollary of parliamentary democracy confronted as it is, in the mid-twentieth century, with the complexities of social and political organisaton. We witness today serious and grave deficiencies in the organisational structure and the operational processes of administration, but it is meet and proper that

we who hold the reins ultimately of the governance of the country should ponder over the institutional devices which may remedy and rectify these defects. Any delay in this matter may prove to be perilous and hazardous to the developing democracy in our country.

I hope that it is realised by Government that the liberties and rights guaranteed in the Constitution and subscribed to by many liberal philosophers and politicians would remain, vague, mystical and inchoate unless an institutional base and medium is devised for the redress of the grievances of the common man, who much too often, to our great dismay, is pushed aside and pushed about.

It is quite clear that the creation or the establishment of such an institution as the Ombudsman would create greater public confidence and would cleanse the administration in such a way that it would better serve the ideals and objectives to which our society is committed.

I would like finally to submit to you in respect of the vote on this resolution only after the hon. Minister is able to give a definite and unequivocal expression of his views so far as the principle of this resolution is concerned, because my main purpose was to focus the attention of the country and of this House on the subject of this resolution. I do not want that this resolution should be defeated in this House by a forced majority. We have come to realise that this House is wholly in support of the idea of Ombudsman, and I would like to leave it at that, in case the hon. Minister is prepared to give an unequivocal expression of his view that very soon such an institution would be devised for redressing public grievances and that he accepts the fundamental principle of this resolution, which is unquestionably sound.

Mr. Deputy-Speaker: Is the hon. Minister prepared to give such an assurance?

Shri Hathi: I have already said what I wanted to say. As I have said, we accept the underlying principle, and everybody accepts it. What sort of machinery it should be will depend. We have before us the Santhanam Committee's report. The only question is what sort of machinery should be there. It may not be Ombudsman, but it may be something else. So, I cannot give that assurance.

Dr. L. M. Singhvi: In that case I would beg leave of the House to withdraw the resolution.

Mr. Deputy Speaker: There is an amendment to the resolution, moved by Shri Sidheshwar Prasad. I shall now put that to vote.

The amendment was put and negatived.

Mr. Deputy-Speaker: Has Dr. L. M. Singhvi the leave of the House to withdraw his resolution?

Several Hon. Members: Yes.

The resolution was, by leave, withdrawn.

Shri Harish Chandra Mathur: It is withdrawn in the light of the assurance.

16.39 hrs.

RESOLUTION *RE*: DISPARITY IN INCOME

श्री भी० प्र० यादव (केसरिया) : अध्यक्ष महोदय, मैं प्रस्ताव करता हूं कि :

> "इस सभा की यह राय है कि सरकार को अगली दो या तीन योजना अवधियों में निम्नतम और अधिकतम आय के बीच असमानता को

[श्री भी० प्र० यादव]

कम कर के १-३० करने की दिशा में हुई प्रगति का पुनर्विलोकन करने के लिए संसद् सदस्यों और आर्थिक विशेषज्ञों की एक समिति नियुक्त करनी चाहिए ।"

उपाध्यक्ष महोदय, मैं जो यह प्रस्ताव सदन के सामने लाया हूं वह किसी स्वार्थ विशेष या किसी वर्ग विशेष से सम्बन्धित नहीं हैं बल्कि देश हित को ध्यान में रख कर मैं इस प्रस्ताव को सदन के सामने रख रहा हूं । सम्पूर्ण संसार को मालूम है कि इस देश ने समाजवादी समाज की स्थापना के लिए व्रत लिया है जिस में प्रत्येक परिवार को जीवन की आवश्यक वस्तुएं मिलनी चाहियें, जिस में भोजन, कपड़ा, मकान, शिक्षा तथा स्वास्थ्य की उपलब्धि हो सके ।

हमारे संविधान के डाइरैक्टिव प्रिंसिपल्स में भी आय की विषमता दूर करने की बात स्पष्ट रूप में कही गई है :—

"The State shall in particular direct its policy towards securing that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment."

इसी प्रकार दूसरी पंचवर्षीय योजना के जो चार मुख्य उद्देश्य थे उन चार मुख्य उद्देश्यों में एक दूसरा यह भी था कि हमारी आर्थिक विषमता कैसे दूर हो । इस के लिए हम ने तीसरी पंचवर्षीय योजना में अपने उद्देश्य यानी आब्जैक्टिव साफ तौर पर इस तरह से जाहिर किये हैं :—

"One of the four objectives of the Second Five Year Plan is the reduction in the inequalities of incomes, A reduction in equalities has to proceed from both ends. On the one hand measures have to be taken to reduce excessive concentration of wealth and incomes at higher levels and on the other incomes in general and particularly at the lowest levels have to be raised."

इसी तरह से तीसरी योजना में योजना आयोग ने एक कदम और आगे बढ़ कर एक निर्धारित अवधि तथा एक निर्धारित सीमा तक ही आय की विषमता का उल्लेख किया है यानी उसने साफ तौर पर कहा है कि अगली दो, तीन योजनाओं में निम्नतम तथा अधिकतम आय की विषमता औसत परिवार की आमदनी कर देने के बाद अधिक से अधिक वह १ और ३० के बराबर होगी । यह बात मान लेने के बाद उसमें साफ तौर से कहा गया है कि अगली दो, तीन योजनाओं में आर्थिक विषमता कम की जायेगी और अधिकतम और न्यूनतम आय का औसत १ और ३० का होना चाहिए । उसने साफ़ तौर पर कहा है :—

"Taxation Enquiry Commission considered a reasonable range of incomes after tax to be about thirty times the average family income. This broad objective should be progressively realised over the next two or three plan periods. Although, in view of the low incomes of the bulk of the populations, this range represents a considerable disparity, it should be further reduced as lower incomes rise."

उपाध्यक्ष महोदय, हम देखते हैं कि तीसरी पंचवर्षीय योजना में कौनक्रीट बिलकुल ठोस तरीक़े पर यह कहा गया है कि हमारी नीति क्या है । उसमें यह भी कहा गया है कि दो, तीन योजनाओं की अवधि में हमारी अधिकतम जो विषमता होगी वह १ और ३० के बराबर होगी और आगे उस में यह भी कहा है कि आगे चल कर इस फर्क को और कम करना चाहिये । लेकिन जब हम इन

सारी बातों को देखते हैं और आज देश में जो परिस्थिति है और उन परिस्थितियों के कारण हमारी योजनाओं की जो प्रवृत्ति है उस से ऐसा नहीं मालूम होता कि हमारी विषमता घट कर १ और ३० के बराबर पहुंचने की प्रवृत्ति दिखा रही है । जो प्रवृत्ति इस देश में यहां की योजनाओं में है, कारण जो भी उस के हों, उन से तो यह पता चलता है कि यह आर्थिक विषमता घटने की बजाय बढ़ने की तरफ़ प्रवृत्ति दिखा रही है । यह एक बहुत ही भयावह परिस्थिति की सूचक है । इसलिए मैं चाहता हूं कि संविधान जब से बना, तीसरी पंचवर्षीय योजना के बीच में बराबर हम ने महसूस किया कि हमारी विषमता घटनी चाहिये । जैसाकि हम ने हर योजनाओं में भी इस बात का उल्लेख किया तो मैं जानना यह चाहता था कि वह कौन से कारण हैं जो यह प्रवत्तियां घटने के बजाय बढ़ने की दिशा में अपनी प्रवृत्ति दिखला रही है ? हमारे विधान के आधारभूत सिद्धान्तों एवं क्रमबद्ध योजना के विपरीत देश में आय की विषमता बढ़ रही है । आर्थिक शक्तियों का केन्द्रीकरण हो रहा है । आख़िर इस का क्या कारण है ? इन सब बातों को देखने के बाद हम यह देखते हैं कि हमारे देश में जो आंकड़े मौजूद हैं, जो तथ्य मौजूद है वह तथ्य इस बात के सबूत हैं कि हमारे देश में यह जो प्रवत्ति है वह बजाय घटने के बढ़ ही रही है तो आख़िर इस का कारण क्या है ? क्या योजना में कोई इस प्रकार की त्रुटि है या योजना को लागू करने में हमारी जो मशीनरी है उस में कोई त्रुटि है जो हमारी उल्लिखित नीति है उस को सही दिशा में न ले जा कर उस को विपरीत दिशा में ले जा रही है ?

उपाध्यक्ष महोदय, मैं इस के सम्बन्ध में एक बात और कहना चाहता हूं । क्या आज देश में और इस सदन में यह धारणा नहीं बनती जा रही है कि हमारे उच्च आदर्श घोषणाओं तक ही सीमित हैं ? क्या यह तथ्य नहीं है कि गरीब और भी ग़रीब होते जा रहे हैं तथा धनी और भी धनी बनते जा रहे हैं ? इस आशय का विचार इस सदन में तथा इस सदन के बाहर देश के जिम्मेदार लोगों के द्वारा व्यक्त किया जा रहा है । क्या मैं यह जान सकता हूं कि सरकार का ध्यान इस तरफ़ जायेगा और अपने तथ्यों के निष्कर्ष पर वह इस सदन को यह बतलाने की कृपा करेगी कि यह जो कथन है वह कहां तक सही है ? मैं समझता हूं कि आम लोगों के विश्वास के लिए इस प्रश्न का उत्तर आना अत्यन्त आवश्यक है ।

जब हमारे देश का विकास योजनाबद्ध तरीक़े से हो रहा है तो आर्थिक शक्तियों का केन्द्रीकरण इस तरह की प्रवृत्ति देश में आना कि हमारे यहां की विषमता घटने के बजाय और बढ़े यह बात समझ में नहीं आती है । जब हम देश में एक प्लांड तरीक़े से चल रहे हैं, योजनाएं बना कर उनको कार्यान्वित कर रहे हैं तो तो उसका विपरीत दिशा की तरफ़ जो रुख दिखाई दे रहा है उसका क्या कारण है ? यह एक बहुत ही गम्भीर प्रश्न है । मैं समझता हूं कि इस ओर माननीय वित्त मंत्री का ध्यान अवश्य जाना चाहिए और इस बात की सफ़ाई इस सदन को मिलनी चाहिए कि आख़िर इसका कारण क्या है ?

अभी कुछ दिन पहले हमारे वित्त मंत्री जी ने इस प्रकार का ऐलान किया कि आज देश में एकाधिकार की प्रवृत्ति बढ़ रही है । उसकी जांच के लिए उन्होंने जो कमीशन नियुक्त किया उसके लिए वे धन्यवाद के पात्र हैं क्योंकि यह उनका एक सही क़दम कहा जा सकता है और वह वास्तव में है भी सही क़दम ।

प्रोफेसर महालनविस समिति की रिपोर्ट इस सदन् में अब तक आ जानी चाहिए थी लेकिन वह यहां पर अभी तक नहीं आ सकी है । कुछ अख़बारों में हम देखते हैं कि उस रिपोर्ट के कुछ अंश जब तब छपते रहते हैं । उचित तो यह था कि वह रिपोर्ट समाचारपत्रों में छपने

[श्री भी० प्र० मादव]

से पहले इस सदन् में आती और उसके बाद वह अखबारों में छापी जाती लेकिन इसका बिलकुल उलटा हो रहा है और हम देखते हैं कि अखबारों में उसकी रिपोर्ट बराबर आती रहती है । लेकिन इस सदन् को आज तक वह प्राप्त नहीं हो सकी है । जो भी रिपोर्ट्स अखबारों में प्रकाशित हुई हैं, उसका आंशिक रूप जो भी हमें प्राप्त हो सका है उसका तो अर्थ यही लगाया जा सकता है और उसमें कुछ जगह इस तरह का निष्कर्ष निकाला भी गया है कि हमारी आय की विषमता घटने के बजाय बढ़ने की दिशा में जा रही है और हमारी योजना ने उसको और प्रोत्साहित किया है । अगर यह तथ्य है कि हमारी योजनायें कान्सेन्ट्रेशन को प्रोत्साहित करती हैं, यह तो एक बड़ा गम्भीर प्रश्न है, जिसकी तरफ़ हमारा ध्यान जाना चाहिए ।

समिति की रिपोर्ट में साफ तौर से कहा गया है :

"There can be no doubt that, in part at least, the working of our planned economy has encouraged this process of concentration by facilitating and aiding the growth of big business in India."

समिति की रिपोर्ट में इसका कारण भी दिया गया है कि हमारी इंडस्ट्रियल फ़िनांस कार्पोरेशन तथा नैशनल इंडस्ट्रियल कार्पोरेशन छोटे छोटे उद्योगों की निस्बत बड़े उद्योगों और बड़ी कम्पनीज को ज्यादा एड देते हैं । इसका नतीजा यह है कि सब उद्योगों पर बड़ी कम्पनियों का कब्जा है, सब उद्योगों में बड़े बड़े उद्योगपतियों की पूंजी लगी हुई है और इस प्रकार उनका धन तेजी से बढ़ता जा रहा है । इसलिए आवश्यकता इस बात की है कि सरकार की ओर से ऐसी मशीनरी स्थापित की जाये, जो इस बात का ध्यान रखे कि कहीं हमारी किन्हीं नीतियों से छोटे उद्योगों के पनपने में कठिनाई तो नहीं हो रही है । वित्त मंत्री जी को इस तरफ़ ध्यान देना चाहिए ।

समिति ने यह भी कहा है :

"The Committee recounts the countervailing measures, taken by the Government but says that despite all these the concentration of economic power in the private sector is more than what can be justified as necessary on the functional grounds."

समिति ने अपनी रिपोर्ट में यह भी कहा है कि प्लानिंग की हमारी स्ट्रेटेजी दोषपूर्ण है । मैं निवेदन करना चाहता हूं कि अगर हमारी प्लानिंग की स्ट्रेटेजी दोषयुक्त नहीं है, तो फिर हमारे देश में आय की विषमता कैसे कम हो सकती है । समिति ने बताया है कि हमारी स्ट्रेटेजी इसलिए ग़लत है कि उस के परिणामस्वरूप हमारे देश में कन्सेन्ट्रेशन आफ़ इकानोमिक पावर घटने के बजाये कई क्षेत्रों में बढ गई है ।

हमारे देश में विषमता कितनी ज्यादा है, प्रो० महालनवीस समिति ने इस बारे में कुछ आंकड़े प्रस्तुत किये हैं । १९६१ में कुल कम्पनियों में से ८६ प्रतिशत कम्पनियों के पास सिर्फ़ १४.६ प्रतिशत पेडअप कैपिटल था, जब कि सिर्फ़ १.६ प्रतिशत कम्पनियों के पास कुल पूंजी का ५३ प्रतिशत भाग था । इससे आप अन्दाजा लगा सकते हैं कि हमारे देश में आय की विषमता कितनी है ।

हम हर एक योजना में स्पष्ट रूप से यह कहते आये हैं कि हम आय की विषमता में कमी कर रहे हैं, लेकिन ये सब तथ्य इस बात को साबित करते हैं कि विषमता घटने के बजाये बढ़ रही है । मैं समझता हूं कि यह स्थिति हमारे देश के लिए खतरनाक साबित

हो सकती है । इसलिए सरकार को इन बातों की ओर हमेशा ध्यान देना चाहिए ।

देहाती क्षेत्रों में आय की जो विषमता है, उसे भी मैं सदन के सामने रखना चाहता हूं । सैम्पल सरवे के आंकड़ों को देखने से साफ़ जाहिर होता है कि १९५३–५४ में टाप एक प्रतिशत परिवार सारे देश की जमीन के १७ प्रतिशत के मालिक थे, पांच प्रतिशत लोग सारी जमीन के ४१ प्रतिशत के मालिक थे, दस प्रतिशत लोग सारी जमीन के ५८ प्रतिशत के मालिक थे और बीस प्रतिशत लोग ऐसे थे, जिन के पास जमीन थी ही नहीं ।

ये आंकड़े क्या साबित करते हैं ? जब हम अपनी योजनाओं में आर्थिक विषमता को कम करने की घोषणा करते आये हैं, तो प्रश्न यह है कि हम ने इस उद्देश्य की पूर्ति के लिए कौन सा रास्ता निकाला । ये आंकड़े इस बात के द्योतक हैं कि हमारे देश में कितनी भीषण विषमता है । यह एक बहुत अहम सवाल है और जब तक हम इस तरफ़ ध्यान नहीं देंगे, तब तक करोड़ों किसानों और मजदूरों की दशा में किसी प्रकार का सुधार होना नामुमकिन सा लगता है ।

आज आवश्यकता इस बात की है कि रैगुलेशन की नीति अपनाई जाये । योजनाओं के कार्यक्रमों की हर एक स्टेज पर बारीकी से छान-बीन की जाये, ताकि कमजोरियों का पता ठीक समय पर लग सके और हम तत्काल ही उन को दूर करने के लिए आवश्यक कदम उठा सकें ।

इस सदन में टैक्सों के सम्बन्ध में बहुत विस्तार से चर्चा हुई है । आज आम लोगों के मन में यह भावना है कि हमारा इनकम टैक्स डिपार्टमेंट टैक्सों का सही एसेसमेंट करने में और छिपे हुए धन को डिटेक्ट करने में कामयाब नहीं हुआ है । अगर हमारा इनकम टैक्स डिपार्टमेंट छुपाया छिपे हुए धन को देश के सामने ला सकता, तो आय की विषमता में इतना अधिक विरोधाभास नहीं रहता । इस सदन में बारबार इस बात की चर्चा होती आई है कि टैक्सों का सही एसेसमेंट नहीं होता है । इसलिए सरकार का ध्यान इस तरफ़ भी जाना चाहिए ।

अगर लाइसेंसिंग पालिसी पर ठीक ढंग से अमल किया जाये, अगर लाइसेंस देने के सम्बन्ध में काफ़ी नियंत्रण रखा जाये, तो आज जो मुट्ठी भर लोग सारे देश के उद्योगों को अपने कब्जे में किये हुए हैं, उन के एकाधिकार को समाप्त कर के छोटे उद्योगों को पनपने और प्रगति करने का मौका मिल सकता है और इस प्रकार विषमता में काफ़ी कमी की जा सकती है । सरकार को इस प्रश्न की ओर भी ध्यान देना चाहिए ।

17 hrs.

इसलिए मैं चाहता हूं कि संसद् सदस्यों और अर्थ-शास्त्रियों, अर्थ-विशेषज्ञों की एक कमेटी बना करके इन सारी चीजों की जांच करवाई । जाये वे इस बात का पता लगायें कि आर्थिक विषमता घटने के बजाय बढ़ क्यों रही है वह हर स्टेज पर उसका निरीक्षण कर, उसकी देखरेख करे, उसकी स्क्रूटनी करे ताकि यह तथ्य निकल सके कि हमारी योजना में कमी के कारण क्या हैं, क्यों त्रुटियां देखने में आ रही हैं और क्या यह इस वजह से तो नहीं हो रहा है कि जो मशीनरी योजना को लागू करने वाली है, उसमें कुछ कमी है ? इस तरह की कमेटी बनने से इस देश का बड़ा भला होगा और योजना भी कामयाब हो सकती है । इसलिए यह जरूरी है कि एक कमेटी बनाई जाये जो सारी चीजों की देखरेख कर सके और यह तथ्य निकाल सके कि तीसरी-चौथी प्लान में आर्थिक विषमता को कैसे कम किया जाये और जो रेशियो है वह १ : ३० से अधिक न . . .

उपाध्यक्ष महोदय : क्या आप खत्म कर रहे हैं ?

श्री भी० प्र० यादव : मैं अगली बार कंटिन्यू करना चाहूंगा ।

उपाध्यक्ष महोदय : बहुत अच्छा । आप अगली बार कंटिन्यू करें ।

17.01 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Friday, April 24, 1964/Vaisakha 4, 1886 (Saka).

GMGIPND—LS II—399 (Ai) LS—13-5-64—980.